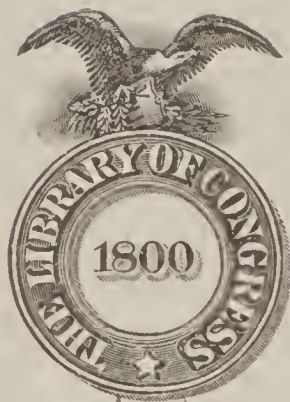


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STATE OF NEW JERSEY.

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AN ACT

TO REGULATE

ELECTIONS

(Revision of 1898)

APPROVED APRIL 4th, 1898

With the Amendments Thereof, and Other  
Acts Concerning Elections,

AND THE

CONSTITUTIONAL PROVISION CONCERNING THE  
RIGHT OF SUFFRAGE

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Compiled and Printed under the Direction of the  
Secretary of State



TRENTON, N. J.  
MACCRELLISH & QUIGLEY, STATE PRINTERS.

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New Jersey, Laws, Statutes, etc.  
STATE OF NEW JERSEY.

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Nov 7, 1898

# An Act to Regulate Elections.

Revision of 1898.

APPROVED APRIL 4TH, 1898.

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BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

## Times and Places of Elections.

1. On the Tuesday next after the first Monday in November in each year, an election shall be held in each county, to elect for such county such a number of persons to be members of the general assembly as such county shall be entitled to elect; which election shall be known as the general election.

Date of  
general  
election.

Assemblymen  
elected.

2. All municipal, local or charter elections shall continue to be held on the days heretofore fixed or established by, or pursuant to, any law of this state applicable thereto. (See sections 238 and 294.)

Dates of local  
elections.

3. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred, and in each fourth year thereafter, an election shall be held to elect such a number of persons to be electors of president and vice-president of the United States as this state shall be entitled to elect or appoint; each of whom shall be a male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and shall have been a citizen of the United States seven years next preceding such election.

Election of  
presidential  
electors.

Their  
qualifications.



Time of  
opening and  
closing polls.

4. In all elections the polls shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election, between the hours aforesaid; *provided*, the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time, between those hours, as they shall see fit.

Notice by  
secretary of  
state of  
election of  
certain  
officers.

5. The secretary of state shall, between the first day of August and the first day of September, in every year wherein electors of president and vice-president of the United States, members of the house of representatives, a governor or senator for any county, or any of them, are to be elected, direct and cause to be delivered to the clerk of the county, wherein any such election is to be held, a notice stating that such officer or officers are to be elected at the ensuing election; and the clerk of such county shall, within fifteen days after the receipt of the said notice, cause a copy of the same, certified under his hand to be true and correct, to be delivered to the clerk of each township, city or other municipality in said county.

Notice by  
county clerk.

Election of  
sheriff and  
other county  
officers.

6. The sheriffs and coroners shall be elected by the people of their respective counties at the general election once in every three years; and the clerks, registers of deeds and surrogates of counties shall be elected by the people of their respective counties, at the general election, once in every five years; and it shall be the duty of the clerk of every county, between the first day of August and the first day of September, immediately preceding the expiration of the term of office of any such officer, to direct and cause to be delivered to the clerk of each township, city or other municipality in said county, a notice that such officer or officers, as the case may be, will be chosen at the ensuing election.

Notice by  
county clerk.

Notice of  
primary elec-  
tion by  
municipal  
clerk.

7. The clerk of every township, city, or other municipality, shall, at least eight days prior to and within thirty days next preceding the day of election, put up, or cause



to be put up, an advertisement in at least five of the most public places within such township, city or other municipality, which advertisements shall make known the time, place and purpose of holding such election, and any election consolidated therewith, and the office or offices to be filled thereat, and shall be signed by such clerk; and shall, at least two weeks preceding the primary election, hereinafter provided for, cause a notice to be published in not more than two of the newspapers of the county wherein such municipality is situated, as said clerk shall select, setting forth that the boards of registry and election in and for each election district in such municipality will meet for the purpose of making a registration of voters on the days and between the hours hereinafter designated for that purpose; and that a primary election of delegates to conventions of political parties or for making nominations, or for both, as the case may be, will be held on the day and between the hours and at the places as provided in this act; and making known the time, place and purpose of holding such general election, and any election consolidated therewith, and the office or offices to be filled; said notice shall be published in such newspaper or newspapers as will afford the widest possible information to all voters, and shall be continued in such newspaper or newspapers at least once, and not more than twice, in each week, up to and including the day before such election day; *provided*, that if there be a newspaper printed and published in such municipality, said newspaper shall be one of the newspapers so selected by the municipal clerk; in cities having more than thirty thousand population, said notice shall include, in the newspaper or newspapers selected, a short description of the boundary lines of each election district therein, and the place of meeting of the board of registry and election; *provided*, that the part of said

Notice of  
primary  
election and  
registration.

Amended,  
P. L. 1910,  
p. 473.

Proviso.

Proviso.

notice relating to the primary election and the respective meetings for registration of the boards of registry and election shall be omitted after the holding of the same.

Suitable room  
in which to  
hold election.  
[Amended,  
P. L. 1908,  
p. 398.]

8. The clerk of every township, city or other municipality shall, prior to the date of the first meeting of the board of registry and election, procure for each election district in his township, city or municipality, a suitable room in which said board shall meet to make and revise the register of voters, and also to hold the election; and said clerk shall immediately notify said board of the location of such room; and if any such clerk shall omit to procure such room, then the meetings of such board and such election shall be held at such place as a majority of such board shall designate; if, in the judgment of said clerk, it shall be inadvisable to hold the election in the place designated for holding the meeting of the board of registry, then it shall be lawful for such clerk to designate another place for holding such election, or to cause a building to be constructed in the street outside the curb line immediately in front of, or as near as possible to, the place of meeting of such registry board, in which to hold such election; *provided*, no election shall be held in any building in which is located or maintained any inn or tavern or saloon where intoxicating liquors are licensed to be sold.

Street booth.

Proviso.

### Election Districts.

Election  
districts  
divided or  
re-adjusted,  
when and  
how.

9. When at any election more than six hundred votes shall be or shall have been cast in any election district, such district shall forthwith be divided by the township committee or mayor and common council or other governing body of the municipality containing the same into two or more election districts, or in lieu thereof, the boundary lines of any existing election district or districts may be changed, or such districts re-adjusted;

*provided, however*, that each of such districts, after such division, change or re-adjustment, shall not contain more than six hundred nor less than one hundred and fifty voters.

10. The said township committee, mayor and common council or other governing body, shall have power, from time to time, to divide an election district, to change or re-adjust the boundary lines of any election district or districts, or consolidate two or more districts, whenever, by reason of change of population or alteration of municipal lines or otherwise, such action shall be deemed advisable; *provided*, that in every division, change or re-adjustment the geographical compactness of each district and the convenience of the voters shall be first considered.

Election districts changed or consolidated, when.  
[Amended, P. L. 1899, p. 165.]

11. The township committee, mayor and common council or other governing body shall forthwith cause a description of the boundaries of such new election district or districts, and of the election district or districts affected by such division, change or re-adjustment, to be filed in the county clerk's office, and a duplicate thereof in the office of the clerk of the township, city or other municipality.

Description of boundaries filed.

12. For the purpose of this act the term "election district" denotes the territory within which there is a single polling place for all the voters therein.

"Election district" defined.

### County Boards of Election.

13. There shall be in every county a county board of elections, to consist of four persons, to be commissioned by the governor in the month of July in each year, and who shall be legal voters within the counties for which they are respectively appointed; the chairman of the state committee of each of the two political

County boards of election; how composed.  
[Amended, P. L. 1905, p. 502.]



parties which at the last preceding general election cast the largest and next largest number of votes in the state for members of the general assembly may, in the month of June, in writing, nominate two citizens from each county, qualified as aforesaid, for members of the county board of elections in and for such county; and if such nominations be made in said month of June, the governor shall commission such appointees; *provided*, that two of such members shall be appointed for the term of one year from the first day of August next, and the remaining members shall be appointed for the term of two years from the first day of August next; and thereafter one member of such board shall be appointed annually by each of said chairmen, in the same manner, in the month of July, and shall continue in office for two years from the first day of August next after their appointment; in case of the death or disability of any member of said boards, the governor shall be forthwith notified thereof by the chairman or secretary of said board; the governor shall cause notice of such death or disability to be given to the chairman of the state committee who appointed such member; and such chairman shall, within six days thereafter, appoint a successor, who shall thereupon be commissioned by the governor; all appointments to fill any vacancies occurring in said boards shall be for the unexpired term only; if, in any case, either of said chairmen shall fail to send a list of appointments to the governor within the time aforesaid, the governor shall make such appointments of his own selection from the citizens of the county in which such vacancy shall occur; said county boards of election shall be provided by the board of freeholders of the respective counties with a suitable office and furniture, in the court house of the county for which they are respectively appointed, or in a building as near as

Proviso.

Annual appointment.

Vacancies.

If chairmen fail to appoint, then governor.

Suitable quarters provided.

possible adjacent thereto; the terms of all members of the county boards of elections, as now constituted, shall cease and determine on the first day of August next.

14. Said county boards of election shall, at ten o'clock in the forenoon, on the first Tuesday in August, or on such other day as they may agree on within the first ten days of August, in each year, meet at the court house, or other place provided as aforesaid, in their respective counties and organize by electing one of their number to be chairman and one to be secretary; but the chairman and secretary shall not be the appointees of the same chairman; in case of a failure to elect such chairman for three ballots or viva voce votes, then the oldest (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes, the member of the board next oldest (in years) to the chairman of such board; the chairman and secretary shall not be the appointees of the same chairman.

Organization  
of county  
boards of  
election.  
[Amended,  
P. L., 1905,  
p. 503.]

### District Boards of Registry and Election.

15. The county board of election in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district in the county four persons, legal voters and residents of such districts, to be the board of registry and election for such district; not more than two of such appointees in each election district shall be nominated by one chairman; the said boards of registry and election shall be appointed on or before the twenty-fifth day of August in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in said county

Boards of  
registry and  
election;  
their ap-  
pointment.  
[Amended,  
P. L., 1905,  
p. 504.]

for members of the general assembly; said nominations shall be made after the tenth and not later than the fifteenth day of August in each year; and in event that either chairman shall neglect to file such nominations in the manner and within the time herein prescribed, the county board of election shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before August twenty-second next following; and the county board of elections shall appoint said nominees; *provided, however*, that all nominees shall answer in writing, over their own signatures, and to the satisfaction of the county board of elections, all reasonable questions which may be submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bear upon their fitness to serve as members of the board of registry and election; and on failure so to do, said board may by a majority vote reject such nominee, and thereupon shall immediately notify such chairman to nominate another member of such board; if the chairman of either of the said county committees shall fail to present, in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from the citizens of the county; *provided, also*, that the county board of elections may remove from office any member of any board of registry and election for neglecting or refusing to properly discharge the duties of his office at the time required by law, for intoxication, for incapacity, or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriffs and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the

Proviso.

If nominee  
ineligible.

Proviso.



county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

16. The members of said county boards of election and also the members of said district boards of registry and election shall, before entering upon the performance of their duties, severally take and subscribe an oath or affirmation, in writing, before a duly qualified officer, faithfully and impartially to discharge all their duties as such officers, to the best of their skill and ability; which oaths or affirmations shall be forthwith forwarded to the county clerk, and by him filed in his office, and after qualification as aforesaid, any member of either of said boards may, at any meeting thereof, administer any oath or affirmation required or permitted to be taken by this act.

Official oath  
of members  
of county  
and district  
boards.

[Amended,  
P. L. 1899,  
p. 165.]

17. The terms of office of the members of the district boards of registry and election shall begin on September first of each year and expire on August thirty-first of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election, except those caused by the removal of a member from office, shall be filled by the county boards of elections in the same manner as hereinbefore provided for in the original appointment of such members, but for the unexpired term only; *provided, however*, that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member, except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board who was nominated by the same chairman as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections.

Term of  
board of  
registry and  
election.

[Amended,  
P. L. 1905,  
p. 505.]

Proviso.

Meetings of  
district  
boards,  
where held.

18. The district boards of registry and election shall severally meet within the district for which they are appointed, at such place as shall be designated by the clerk of the municipality, on the days hereinafter designated, for the purpose of making a registration of voters.

Organization  
of district  
boards.

19. Each of said boards shall, on the seventh day next preceding the first day of registration, meet together and organize, and at such meeting shall elect one of its members as judge, who shall be chairman of said board, and another of its members as inspector; such judge and inspector shall be nominees of different chairmen, and the other two members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of registry and election; in case of failure to elect a judge as herein provided, after balloting or voting three times, the member of the board oldest in years shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the next oldest member of the board in years shall become the inspector; *provided*, that both chairman and inspector shall not be nominees of the same chairman.

[Amended,  
P. L. 1903,  
p. 506.]

Proviso.

Public notice  
in newspapers.  
[Amended,  
P. L. 1903,  
p. 624.]

20. The county board of elections of each county shall at least two weeks preceding the primary election cause a notice to be published in such of the newspapers of their county as they shall previously have designated for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each election district in such county will meet for the purpose of making a registration of voters on the days and between the hours hereinafter designated for that purpose, and that a primary election of delegates to conventions of political parties or for making nominations, or for both, as the case may be, will be held on the second Tuesday of September, and between the hours and at the places as provided in this act: said notice shall be published, as nearly as may be, equally in newspapers of the differ-

ent political parties, and so as to afford the widest possible information to all voters of every political party; and such notice shall be continued in such newspapers at least once a week for at least three weeks successively; *provided*, that such publication shall not be made in any daily newspaper more than twice in any one week; in cities of the first class said notice shall include in the newspapers designated therein a short description of the boundary lines of each election district therein, and the place of meeting of the board of registry and election therein, provided that the part of said notice in reference to the primary elections may be omitted after the holding of the same.

#### Registration for the General Election in Cities of Over Thirty Thousand Population.

21. The district boards of registry and election in all districts in cities having by the next last preceding census a population exceeding thirty thousand, shall meet annually on the second Tuesday in September, at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, for the purpose of registering the names of all legal voters, residents of the election district for which they are appointed; after the board shall have organized they shall proceed to make two lists or registers, arranged by streets, in the alphabetical order of such streets and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district; they shall register the names of all persons in their respective election districts entitled to the right of suffrage therein at the next election who shall personally appear before them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote therein at the ensuing election; *provided*, that no person so applying shall be registered unless a majority of the

First  
meeting for  
registration  
for general  
election in  
cities having  
over 30,000  
inhabitants.  
[Amended,  
P. L. 1901,  
p. 254; P. L.  
1903, p. 625.]



Post copy of register.	board shall be satisfied, by affidavit or otherwise, that he will be entitled to vote in that election district at the ensuing election; on the day succeeding such meeting each of the clerks shall post a copy of the register, in handbill form, in some conspicuous place in such election district; said board of registry and election shall also, at said session, act as a primary election board and conduct the primary elections as provided in this act.
Conduct primary election.	22. The said district boards of registry and election in the aforesaid cities, shall again meet in the same place and at the same hour, on Tuesday four weeks next preceding the general election, and finally on Tuesday two weeks next preceding the general election, for the purpose of revising and correcting the registers, and of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them and establish to the satisfaction of a majority of the board that they are entitled to vote in that election district at the next election therein, or who shall be shown by the written affidavit of a voter residing in the same election district to be so entitled to vote; the district board of registry and election shall erase from such registry the name of any person or persons who, after a fair opportunity to be heard, shall be shown by due proof not to be entitled to vote in such election district; three copies of the revised register shall be made by the board of registry and election, which shall be so written as to show opposite each name whether each voter appeared in person before such board or was registered by affidavit; if by affidavit, the name of the person making such affidavit shall follow the name of the person so registered in a space or column provided for that purpose; and such revised registers shall be arranged by streets and by street numbers in the same manner as is required with respect to the lists to be made on the first registry day; the register of names in each election district shall be made up
Second and third meetings for registration.	
Names erased from register.	
Three copies to be made.	
New register each year.	

annually for the general election as herein provided, and shall not be copied from the register of the previous year or of any previous election, either in whole or in part; on the day succeeding the completion of the register, one copy thereof shall be delivered by the chairman to the county board of elections, to be filed by them; one copy shall be posted at the place of registry in said district, for public inspection, and one copy shall be retained by the judge for use by the district board on the day of election.

Disposition  
of the three  
copies.

### Registration for the General Election in Districts Outside of Cities of Over Thirty Thousand Population.

23. The boards of registry and election in all election districts in the state, outside of cities having a population exceeding thirty thousand, shall meet annually on the first Tuesday of September in each year, at ten o'clock in the forenoon, and having first organized shall proceed to ascertain, and truly and accurately enter in canvassing-books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election by making actual inquiry at every dwelling-house or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter, on successive days, until the same be completed; *provided*, that such enumeration shall terminate on or before the Friday next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing-books; in making such enumeration the said boards of registry and election may divide their election

Registration  
by canvassing  
in municipi-  
palities under  
30,000.  
[Amended,  
P. L. 1905,  
p. 506.]

Proviso.

Board may  
divide in  
canvassing.

districts into subdivisions, and any two of their number, designated by the chairman and inspector, together and in company, may make the enumeration in such subdivisions; no name shall be entered on such canvassing-books without the concurrence of both of said members, or if said enumeration be made by the entire board, without the concurrence of a majority thereof; on the second Tuesday of September next preceding the general election said boards shall meet at the places provided in this act for holding the primary election in their respective election districts at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, at which time and places said boards shall hold the primary elections as provided in this act and shall also proceed to transcribe and make up from said canvassing-books two lists or registers of the names arranged in alphabetical order, together with the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election by the affidavit in writing of some voter in that election district to be a legal voter therein.

Register  
made from  
canvassing  
books.

Two copies of  
registers to  
be posted.

24. When, on the day of their meeting, as provided in the next preceding section, the board of registry and election shall have completed said two registers, they shall certify on each of them and announce publicly the number of names entered thereon; on the day succeeding such meeting a correct list of the names entered on said registers, with residences and street numbers, if any, shall be posted by each of said clerks, in hand-bill form, in some conspicuous public place within such election district; both of said lists shall be certified by the board of registry and election, or a majority thereof, to be correct copies of the original registers; the said board of registry and election shall also meet on Tues-

Third  
meeting.



day next preceding the general election at the place of their former meeting, at the hour of one o'clock in the afternoon, and remain in session until nine o'clock in the evening, for the purpose of revising and correcting the original registers, of adding thereto the names of all persons entitled to the right of suffrage in that election district at the next election, who shall appear in person before them or shall be shown by the written affidavit of some voter in such election district to be a legal voter therein, and of erasing therefrom the name of any person, who, after a fair opportunity to be heard, shall be shown not to be entitled to vote therein; *provided*, that no name shall be entered on said registers or either of them from said canvassing books, or stricken therefrom, without the concurrence of a majority of all the members of said boards of registry and election; upon the completion of said registers the said board of registry and election shall publicly announce and certify on each register the number of names entered thereon, and one of said clerks, to be designated by the chairman of said board of registry and election, shall prepare an additional copy of the names, residences and street numbers, if any, on such completed register, which additional copy, after being certified as aforesaid, shall be by said clerk, within two days after said last-mentioned Tuesday, filed with the clerk of the township, city or other municipality within which such election district may be situate; on the day succeeding the completion of said registers, one copy thereof shall be delivered by the chairman of said board to the county board of elections to be filed by them, and one copy shall be retained by him for use by the district board on the day of election.

Names erased  
from register.

Additional  
copy filed  
with munic-  
ipal clerk.

Disposition  
of the two  
original  
registers.

### Meeting of the County Board of Elections Before the General Election.

Meetings of  
county board  
before general  
election.

Procedure to  
add names  
to register.

25. It shall be the duty of the several county boards of elections to sit at the office so provided for them on Thursday and on Saturday next preceding the day of the general election, from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days; and in case the name of any legal voter in any election district has been improperly or inadvertently left off the registry list, he may, on said days, apply in person to the county board of elections for the purpose of having his name placed upon the register; and the county board of elections, upon such application to them, and upon proper evidence satisfying them that such person is a legal voter entitled to vote at any such election, may give their certificate to that effect, and shall add his name to the proper register on file with them; such voter may present such certificate to the board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the register, provided said board shall be satisfied that he is entitled to vote in said district, and he shall thereupon be allowed to vote at said election, and no name shall be added to the said register after the last registry day preceding the day of election except in the manner provided for in this section; *provided, however*, that certificates of transfer may be issued and shall be accepted in the cases hereinafter mentioned; said board may order erased from any register the name of any person who shall be shown to the satisfaction of the board, for any cause, not to be entitled to vote at the next election in the election district wherein he is registered; *provided*, that no name shall be ordered erased from any such register in the absence of the person to be affected thereby, unless it shall appear to the board

Procedure to  
erase names  
from register.

by affidavit of some qualified voter that notice has been given such person, either personally or by leaving the same at his assigned place of residence, with some person above the age of fourteen years, at least two entire days before such meeting of the board, that at such meeting application would be made to have the name of such registered person stricken from the register, on the grounds on which said application would be based; when any name shall be stricken from any register as aforesaid, a certificate of such board, stating the name erased and the cause thereof, and from what election district, shall be given to the person applying to have such name erased, and such board shall erase the name of such person from the register on file with them, and on the delivery of such certificate to the board of registry, the name of such person shall be erased by them from the register in their possession, and his vote shall not be received if he presents the same.

### Registration in Cities of Over Thirty Thousand Population for Charter Election.

26. In each city of this state having a population exceeding thirty thousand it shall be the duty of the district boards of registry and election for all elections other than general elections to make, alter and revise, as the case may require, the register of voters within and for the several election districts of such city; *provided, however,* that where the election districts have remained unchanged it shall not be necessary for said boards to make a new register of the voters for such election districts, but only to revise and correct the register made for the last general election; and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerk of such city, on Tuesday four weeks next preceding such

Meetings to make or revise registers for charter elections in cities having over 30,000 inhabitants.

[Amended, P. L. 1901, p. 256.]

Dates of meetings.



election, and finally on the Tuesday two weeks next preceding the same; and meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening, for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to the right of suffrage in that election district at the said election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by the written affidavit of a voter residing in the same election district to be so entitled to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; on the day succeeding such first meeting, each of the clerks shall post, in hand-bill form, in some conspicuous place in such election district, a copy of the revised register; and on the day succeeding such second meeting, one copy thereof shall be delivered by the chairman to the county board of elections to be filed by them; and one copy shall be retained by him for use by the district board of election.

Two copies  
to be posted.

Disposition  
of two  
original  
registers.

Registers to  
be delivered  
by county  
board to city  
clerk for use  
of district  
boards.

27. The county board of election shall deliver to the city clerk of the city in which an election for municipal officers or any special election is to be held, seven weeks at least prior thereto, the copies of the registers filed with said county board of elections at the previous general election, to be by the said city clerk delivered to the district boards of registry and election, six weeks at least preceding any such election.

City clerk  
to publish  
notice of  
registration.

28. It shall be the duty of the city clerk in each of the said cities to give notice by publication in at least two of the newspapers published in said city, of the time and place of the meetings of the district boards of registry and election, at least two weeks, once in each week before the first day upon which such boards shall meet; in cities of the first class the said notice shall include a

short description of the boundary lines of each election district and the location of the polling place therein.

### Registration in all Other Municipalities for Charter and Local Elections.

29. In all cities of this state having a population not exceeding thirty thousand and in all townships, towns, boroughs and municipalities other than cities, there shall be no new registration required for any election other than the general election; but the several boards of registry and election shall procure and use in their respective districts at such election the copy of the register filed with the clerk of the municipality within which such election district may be situate; said boards shall meet on the Tuesday next preceding such election, to revise and correct said register in the manner hereinbefore provided for the revision of the registers in cities having a population exceeding thirty thousand; and each election clerk of every district shall cause at least three notices of the time and place of such meeting to revise and correct said register, to be conspicuously posted in public places within such district, at least one week before such meeting; no copy of such revised and corrected register need be posted, but a copy shall be filed with the county board of elections within one day thereafter.

Meetings to revise registers for local elections in districts outside of cities having over 30,000 inhabitants. [Amended, P. L. 1901, p. 257.]

Notices of meeting.

Copy of register delivered to county board.

### Meeting of County Boards of Election Before Charter Elections.

30. It shall be the duty of the several county boards of elections to sit on Thursday and also on Saturday next preceding any township, municipal, charter, local or special election in their respective counties, for the

Meetings of county board before charter or local elections.

purpose of adding to the register the names of any legal voters entitled to vote at such election, and erasing therefrom the name of any person not so entitled to vote; and such county board shall proceed in all respects as is provided for the revision by them of the register for the general election.

County boards to appoint district boards for new or altered districts.

31. Whenever the boundaries of any election district in any township, city or other municipality within this state shall have been changed or any new district created between the time of holding the general election and the time of holding the next charter, local or special election, or where the boundaries of any election district shall not be the same as at the general election, it shall be the duty of the county board of elections, on being notified thereof, to appoint a board of registry and election for such election district, in the manner hereinbefore provided for the appointment of district boards of registry and election; and such district board shall thereupon proceed to make and revise a register of all the names of the legal voters in such election district; such register shall be made and revised so far as is practicable at the times and in the manner hereinbefore provided for the making and revising of the register for the general election; in all newly-created municipalities, the registry for the first election shall be made as herein directed, unless otherwise provided by any general law relating to such newly-created municipalities.

Duty of such district boards.

### Proceedings Applicable to all Registrations.

Proceedings of district boards to be public.

32. The proceedings of every board of registry shall be open to the public, and all persons entitled to the right of suffrage in the election district shall be entitled to be freely heard in relation to the revision and correction of the registers; whenever a voter shall be registered by affidavit a separate affidavit shall be required for each

Registration by affidavit.



person so registered, which shall contain the address of the affiant and be signed by him; such affidavits shall be preserved in the custody of the member of the board of registry and election acting as judge until the completion of the registry; all such affidavits shall then be delivered by such judge to the county board of elections, who shall give a receipt for the same, stating the number received; and the said county board of elections shall preserve such affidavits for six months after election, or until required to produce the same by any court or tribunal authorized to require their production as evidence in such court or tribunal.

Disposition  
of affidavits.

33. No person, except as hereinafter provided, shall be allowed to vote unless his name shall be found on the register; and if any member or members of the board of registry and election shall willfully refuse to enter in the canvassing-books or upon the registers the name of any person legally entitled to vote, or shall register the name of any person contrary to the provisions of this act, or on the day of election shall receive the vote of any person whose name shall not appear on the revised and corrected register, unless such name shall have been ordered added thereto in the manner herein provided, such member or members shall be punished, on conviction, by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Who may  
vote.

Penalty for  
illegal regis-  
tration, etc.,  
by board.

34. Any person who shall cause or procure his name to be registered in more than one election district, or shall cause or procure his name or that of any other person to be registered, knowing that he or the person whose name he has procured to be registered, is not entitled to vote in the election district wherein said registry is made, at the next election to be held therein, or who shall falsely personate any registered voter, shall be punished for each offence by a fine not exceeding one thousand dollars, or imprisonment for a term not ex-

False regis-  
tration.

Penalty.

ceeding five years, or both, at the discretion of the court. (a)

Registration  
by affidavit.

35. Every board of registry and election shall place upon said registers the name of any person who shall appear before them and satisfy them by an affidavit in writing that such person will, on the day of the next ensuing election, be entitled, under the constitution and laws of this state, to exercise the right of suffrage in that election district; and any person swearing falsely in any such affidavit shall be guilty of perjury, and incur the penalty thereof; every such affidavit shall within two days be forwarded to the county board of elections, to be by them kept as provided in the thirty-second section of this act.

Penalty.

Disposition  
of affidavits

Procedure  
where voter  
has removed  
to another  
district.

36. If any person shall, after being registered in one election district, move into another election district in the same county, he may apply to the board of registry and election, on election day, to have his name erased from the register and a certificate given him to that effect, which certificate shall be signed by said board, or a majority thereof, and on presentation of such certificate to the board of election of the district where he then resides, his name and residence (including street and number, if any) shall be placed on the register of such district, where he shall then be allowed to vote; *provided*, that said latter board may require him to make a statement, under oath, to satisfy themselves of his right to vote; the presentation of such certificate shall be noted on the register and the certificate preserved, and at the close of the election attached to the register and filed therewith with the county clerk.

Procedure  
where  
election  
falls on  
registration  
day.

37. Whenever the time fixed by law for holding any municipal, local or charter election falls upon the day

(a) A conviction cannot be sustained by this section solely upon the fact that defendant procured the name of an unqualified voter to be registered, but it must further appear that he knew when he caused such registration to be made that the person so registered was not entitled to vote at the next election. The significant word of the section is "knowing." *State v. McBarron*, 37 Vr. 680.

fixed by law for the meeting of the boards of registry to prepare a register for the ensuing general election, such meeting of the boards of registry shall be held upon the day following such municipal, local or charter election.

### Nomination by Convention.

38. Any convention of delegates or nominating body of a political party as hereinafter defined, and also individual voters by petition, to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be printed, written or placed upon the ballots as hereinafter provided and directed; a "convention of delegates" or "nominating body of a political party," within the meaning of this act, is an organized assemblage of delegates or voters, representing a political party which, at the general election next preceding the holding of such convention or nominating body, polled for members of the general assembly at least two per centum of the total vote cast in the state, county or other division or district in and for which the nomination is made.

Nomination  
of candidates  
by conven-  
tions, etc.

"Convention  
of delegates"  
and "nominating  
body  
of a political  
party"  
defined.

39. All nominations made by any such convention of delegates or nominating body shall be certified in a written or printed, or partly written and partly printed, certificate of nomination, which shall contain the name of each person nominated, his residence and post-office address, the office for which he is named, and shall designate in not more than three words the title or name of the party or principles which such convention or nominating body represented; said certificate shall be signed by the presiding officer and secretary of such convention or nominating body, who shall add to their signatures their respective places of residence and post-office addresses, and severally make oath before an officer qualified to administer the same, that the affiants were re-

Nominations  
to be certified  
and verified  
by oath.



spectively such officers of such convention or nominating body, and that said certificate and the statements therein contained are true as they verily believe; and a certificate that such oath has been taken shall be made and signed by the officer administering the same and endorsed upon or attached to such certificate of nomination. (a)

Names of  
factions; how  
selected  
when party  
is divided.

40. In case of a division in any party and claim by two or more factions to the same party name or title, the secretary of state or the county or municipal clerk, as the case may be, shall give the preference of name or title to the convention of delegates or nominating body held at the time and place designated in the call of the regularly-constituted party authorities; and if the other faction shall present no other party name or title, the secretary of state or county or municipal clerk, as the case may require, shall select a name or title and place the same at the head of the list of candidates of said faction on the ballot; if two or more conventions be called by authorities or bodies claiming to be the regularly-constituted authority or body of any party, the secretary of state or county or municipal clerk, as the case may require, shall select suitable names or titles to distinguish the several factions, and the ballots shall be printed accordingly.

### Nominations by Petition.

Nomination  
of candidates  
by petition.

Contents of  
petition.

41. Besides the nomination of candidates by a convention of delegates or nominating body of a political party, as hereinbefore provided, candidates for public office may also be nominated by "petition" in manner following: Such petition shall be addressed to the secretary of state or clerk of said county, city or other mu-

(a) As to amending a defective certificate of nomination, see section 235 *post*.



municipality, as may be proper, and shall set forth the name or names and places of residence and post-office addresses of the candidates for the offices to be filled, the office for which each candidate is named, and that such petitioners are legally qualified to vote for such candidates; said petition may also designate, in not more than three words, the title of the party or principle which the candidates therein named represent, and shall be signed by legally qualified voters of this state, residing within the district or political division in and for which the officer or officers nominated are to be elected, equal in number to at least two per centum of the entire vote cast for members of the general assembly, at the last preceding general election in the state, county, district or other political division in and for which the nominations are made; *provided*, that when the nomination is for an office to be filled by the voters of the entire state, eight hundred signatures in the aggregate for each candidate nominated in said petition shall be sufficient; *provided, also*, that not more than one hundred signatures shall be required to any petition for any officers to be elected, save only such as are to be voted for by the voters of the state at large; in case of a first election to be held in a newly-established election district, county, city or other political division, the number of fifty signatures to a petition shall be sufficient to nominate a candidate to be voted for only in such election district, county, city or other political division; every voter signing a petition shall add to his signature his place of residence, post-office address and street number, if any; such voter may sign one petition for each officer and no more, but all the names need not be signed to one petition; before any petition shall be filed as hereinafter provided, at least five of the voters signing the same shall make oath before a duly-qualified officer that the said petition is made in good faith, that the affiants verily believe all the signatures thereto to be genuine and those of duly-quali-

Number of  
signers  
required.

Residence  
and address  
to be added.

Petition to  
be certified  
by oath.

fied voters; and a certificate that such oath has been taken shall be indorsed upon or annexed to the petition by the officer before whom the same is made. (a)

### Certificate of Nomination and Petition.

Time for  
filing certi-  
ficates and  
petitions.

42. All certificates of nomination and all petitions naming candidates for office to be filled by voters of the entire state, or of any congressional district, or of any political division greater than a single county, shall be filed with the secretary of state at least twenty-five days previous to the election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates to be voted for by all the voters of a single county or more than a single political division thereof, or where candidates for city offices are to be voted for upon the county ticket, shall be filed with the clerks of the respective counties wherein the officers nominated are to be voted for at least fifteen days prior to such election; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen at least thirteen days before the election whereat they are to be voted for; all certificates and petitions when filed shall be opened, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots; it shall be the duty

Acceptance  
by candidates.

(a) As to amending a defective petition, see section 235 *post*.

of the county clerks to certify to the secretary of state, within five days prior to the general election, the names, places of residence and post-office addresses of the several candidates nominated for senator and members of the general assembly, together with the title of the party nominating said candidates, and whether by convention or petition, with the dates of holding such convention and of the filing of such certificates of nominations and petitions.

Addresses  
furnished  
secretary  
of state.

43. It shall be the duty of the secretary of state at least fifteen days before any election whereat any candidates nominated in any certificate or petition filed with him is to be voted for to make and certify, under his hand and seal of office, and forward to the clerks of the several counties of the state a statement of all the candidates nominated by certificate or petitions filed in his office for whom voters within any such county may be by law entitled to vote at such election; such statement, in addition to the names of the candidates for president and vice-president of the United States, if any such have been included in any such certificate or petition filed with him, shall also contain the names and residences of all other candidates, the offices for which they are respectively nominated, and the names of the parties by which or the political appellation under which they are respectively nominated; candidates nominated by petition, without distinctive political appellation, shall be certified as independent candidates.

Names of  
candidates  
certified by  
secretary of  
state to  
county clerks.  
[Amended,  
P. L. 1903,  
p. 698.]

Independent  
candidates.

44. Whenever any person nominated for public office by any of the modes in this act provided shall, at least thirteen days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void, and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forthwith inform, by mail or otherwise, the chairman and sec-

Procedure in  
case nominee  
declines.  
[Amended,  
P. L. 1903,  
p. 699.]



retary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

Provision  
for filling  
vacancy when  
nominee dies,  
declines, etc.  
[Amended,  
P. L. 1903,  
p. 699.]

45. Should any person so nominated die before election day or decline the nomination as in this act provided, or shall any certificate or petition of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in any original certificate of nomination; the certificate so made shall be executed and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least thirteen days before election, have the same force and effect as an original certificate of nomination; when such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name



and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

46. All certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing and filed with the officer with whom the original certificate was filed within two days after the filing of said certificates; (a) in case such objection is made, notice thereof signed by said clerk shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in said certificate of nomination; the said officer with whom the original certificate was filed shall in the first instance pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction, and file his determination in writing in his office at least thirteen days before the election, which determination shall be open for public inspection, and the justice of the supreme court holding the circuit court in and for the county in which any certificate of nomination shall be filed, on the application or complaint, duly verified, of any candidate setting forth any invasion or threatened invasion of his rights under the certificate of nomination filed with any county or municipal clerk, is hereby empowered and required to determine upon said application or complaint in a summary way and make such order thereupon as will protect and enforce the rights of such candidates. (b)

Objections to  
certificates of  
nomination,  
where filed.  
[Amended,  
P. L. 1903,  
p. 700.]

Notice.

Procedure.

(a) Where a certificate of nomination is in apparent conformity with the provisions of this act, and no objection in writing is filed, the officer with whom the certificate is filed must treat it as valid. *Hoos v. O'Donnell*, 31 Vr. 35.

(b) *Query*.—Is not this section so imperfect with respect to the power conferred upon the justice of the supreme court as to render its provisions entirely nugatory? *In re Frederick Kraft*, 22 *New Jersey Law Journal* 373.

Names of candidates for president and vice-president may be printed on ballots.

47. When electors for president and vice president of the United States are to be voted for, the names of the candidates for president and vice president, for whom the electors named in any certificate or petition are nominated to vote, may be included in such certificate or petition; and when so included the names of such presidential and vice presidential candidates, together with the party names and political appellations, names of other candidates for any offices, if any, designated in the certificate or petition, shall be printed upon the ballot in the manner hereinafter directed.

### Official Ballots and Envelopes.

Ballots furnished at public expense.

48. All ballots cast at any election shall (except as herein otherwise provided) be printed and distributed at public expense, and no ballots shall be cast or counted at any such election except such as are by this act provided for.

Ballots to be provided.

49. Except as in this act otherwise provided, separate printed ballots of the kind and description hereinafter directed shall be provided for each party or group of petitioners having candidates to be voted for at any election; the county clerk of each county shall provide said ballots in all cases where the names of any candidates to be voted for at any election to be held within his county are certified to him by the Secretary of State or included in any certificate or petition of nomination originally filed with him as such county clerk; in cases of election within and for a single municipality of any county where the certificate or petition of nomination is pursuant to this act to be filed with the clerk of such municipality, such municipal clerk shall provide said ballots; said county and municipal clerks in providing said ballots shall cause the same to be printed in manner and form following: The nominations of each party

Arrangement of names.

or group of petitioners shall be printed on separate tickets underneath the title or name of the party or petitioners making such nominations, as designated by them in their certificate or petition, so that all the candidates of each party or group of petitioners shall be and appear on its own separate ticket or ballot, or if there be no designation of name or title be then under the title of "independent nominations;" such clerk shall not be required to print any name upon any ballot when such name was not included in any certificate or petition filed with him at least eight days before the election; all ballots prepared by any county or municipal clerk shall be printed with black ink on plain white paper, and shall be of uniform size, quality and type, and of such thickness that the printing thereon cannot be distinguished from the back of the ballot, and without any mark, word, device or figure thereon except as in this act provided; there shall be printed on each ticket the name of but one candidate for each office to be filled, designating such office, and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office; whenever it shall be necessary to designate upon any official ballot the term of any office or offices to be filled at any election, such designation shall be printed on each ballot in a separate line beneath the title of such office, and in no case shall such designation of the term of any office be printed on the same line with the name of the candidate for such office.

[Amended,  
P. L. 1910,  
p. 124.]

Character of  
ballot.

Particular  
designation  
on separate  
line.

50. On the back of each of the said ballots to be provided by the county or municipal clerks shall be printed the words "official ballot for ——;" after the word "for" in each case shall follow the designation of the county, township, municipality, ward or other political division for which the ballot is prepared; then shall follow the date of the election and a fac-simile of the signature of

What printed  
on back of  
ballots.



Number of  
ballots for  
each election  
district.

the county or municipal clerk by whom such ballot shall be prepared; the county or municipal clerk shall provide for each political party for each election district in his county or municipality, two hundred and fifty ballots for every one hundred, or fraction of one hundred, of the total votes cast therein at the last preceeding election for members of the general assembly; in cases of independent nominations, or of nominations by any party, organization or petitioners that cast no votes for any candidate or candidates at the last preceding election for members of the general assembly, the number of ballots to be provided at public expense shall be equal in number to double the total number of votes cast in the election district or precinct at the last preceding election for members of the general assembly; when an election district shall be divided or the boundaries changed or a new district created, the county or municipal clerk shall ascertain as nearly as possible the number of voters in the new district and shall provide therefor a sufficient number of ballots in the above proportion.

Envelopes to  
be provided.

51. The said county and municipal clerks, in all cases in which they are required to provide the official ballots, shall also provide official envelopes of the size, kind and description hereinafter prescribed, wherein the ballots to be voted at such election shall be enclosed and voted as hereinafter directed; all such envelopes shall be of the same quality and kind of plain blue paper, so as to be readily distinguishable from official ballots, and shall be three inches in length by two and one-eighth inches in width, with the flap thereon ungummed; on the face of each of said envelopes shall be printed the words, "official envelope for ———;" after the word "for" in each case shall follow the designation of the county, township, municipality, ward or other political division for which the envelope is prepared; then shall follow the date of the election and a fac-simile of the signature of

Form and  
description  
of envelopes.

What printed  
thereon.

the county or municipal clerk by whom such envelope shall be provided; there shall be no mark, word, figure or device of any kind placed on said envelopes, except as herein directed; all printing on said envelopes shall be with black ink, in type of the same style and description, so that one envelope cannot be distinguished from another; there shall be provided for each election district so many official envelopes as will be equal to double the number of all the votes cast in such election district at the last preceding general election therein; the distribution and use of such envelopes shall be confined exclusively to the polling-room, in the manner hereinafter directed; should any voter to whom any official envelope has been furnished, as hereinafter provided, spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use; but no more than two official envelopes, one at a time, as herein provided, shall be furnished any voter; when an election district shall be divided, or the boundaries changed, or a new district created, the county or municipal clerk shall ascertain, as nearly as possible, the number of voters in such district or districts, and provide therefor official envelopes on the basis above-described.

Number  
and use of  
envelopes in  
each election  
district.

52. Whenever a question or proposition is to be submitted to the people of the state or any political division thereof at any election, such proposition or other question shall be printed upon the ballot beneath the list of candidates thereon with the word "for" and the word "against" printed above and immediately preceding such proposition; if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the same; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor thereof, and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it

Questions or  
propositions  
printed on  
ballots.  
[Amended,  
P. L. 1900,  
p. 303.]

How  
canvassed.

shall not be counted as a vote either for or against such proposition.

When ballots  
to be  
ready for  
inspection.

Error in  
printing, how  
corrected.

53. All official ballots shall be printed and in possession of the county or municipal clerk at least five days before the election and subject to inspection and examination by the candidates and their agents; if any mistake is discovered it shall be the duty of the county or municipal clerk to correct the same without delay, by causing new ballots to be immediately printed in place of those found to be inaccurate or incomplete; and those found to be inaccurate or incomplete shall be immediately destroyed; whenever it shall appear that any error or omission has occurred in the printing of the ballots by any county or municipal clerk, any voter resident in the county or municipality may present to a justice of the supreme court a verified petition setting forth such error or omission; and said justice being satisfied thereof, shall thereupon summarily, by his order, require the county or municipal clerk to correct such error or show cause before said justice, at the shortest possible day, why such error should not be corrected.

[Amended,  
P. L., 1910,  
p. 118.]

54. The county clerks of the several counties, not later than three days prior to any election for which they are required by this act to provide the ballots, shall cause to be delivered to the clerk of each township, city or other municipality within their respective counties, the number of ballots and envelopes hereinbefore required to be provided for each election district within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other municipality, with marks or directions on the outside of each clearly stating the election district for which it is intended, together with the number of ballots and envelopes inclosed; receipts for ballots and envelopes thus delivered shall be given by the clerk receiving the same and filed with the county clerk, who shall also keep a record of

Receipts for  
same.



the time when and the manner in which each of said packages was sent; the said township or other clerk shall, on the day preceding any such election (but on the Saturday preceding, when such election occurs on a Monday), deliver, at his office, to one of the clerks of each election district within his township, city or other municipality, the ballot box, the ballots and envelopes by him received from the county clerk for such election district, and take the receipt of such election clerk therefor, which last mentioned receipt the clerk of such township, city or other municipality shall file and preserve; said election clerk shall, on the morning of election and before the proclamation of the opening of the polls, deliver the ballot box, the packages of ballots and envelopes by him received to the election board of his election district, with the seals thereof unbroken, and shall take a receipt therefor from said election board, which receipt said election clerk shall carefully preserve for at least one year. In case of elections within and for a single municipality of any county where, under this act, the ballots and envelopes are required to be provided by the clerk of such municipality, the duties by this section imposed upon the county clerk with reference to the delivery of the ballots and envelopes shall, the necessary changes being made, devolve upon and be performed by the clerk of such municipality.

Delivery of  
ballots, etc.,  
to clerks of  
election.

Procedure  
on election  
morning.

As to municip-  
al elections.

55. If at any election the ballots to be furnished therefor shall not be delivered at the time above mentioned, or if after delivery they shall be destroyed or stolen and other official ballots cannot be obtained in time for such election, the clerk of such township, city or other municipality, or the board of election, as the case may require, shall cause other ballots to be prepared as nearly in the form heretofore prescribed as practicable, but without the indorsement on the back thereof; and upon the receipt of ballots thus prepared from the clerk of such township, city or other municipality, accompanied by a

Proceeding in  
case official  
ballots and  
envelopes  
are lost,  
destroyed  
or stolen.

statement, under oath, of the person preparing the same, that the same have been so prepared and furnished because the original ballots have so failed to be received or have been destroyed or stolen, and that other official ballots could not be obtained in time for such election, or where such board of election has caused such unofficial ballots to be prepared, the board of election shall cause the ballots so substituted to be used at the election; if from any cause neither the official ballot nor ballots otherwise prepared as herein prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of the official ballot, may be used; where unofficial ballots are used in pursuance of this section they shall be inclosed in the official envelopes, if such envelopes are to be had, otherwise no envelopes shall be used; should the official envelopes provided for any election district be lost, stolen or destroyed, the official ballots, if such are being used at such election, shall be voted by folding the same so as to disclose the official stamp on the back thereof without inclosing the ballot in any envelope; where the use of the official ballots and envelopes, or either of them, is for any of the reasons aforesaid, dispensed with, the mode and manner of voting shall, nevertheless, in all respects conform as nearly as possible to the mode and manner of voting hereinafter prescribed.

Ballots  
furnished  
to voters  
before  
election.

56. If any duly-qualified voter residing in any county or municipality shall, at least seven days before any election notify the clerk of such county or municipality in writing that such voter requires a specified number of the official ballots, not less than fifty in number, of any party organization or petitioners for an election district or districts to be designated, and requesting the same to be furnished him, it shall be the duty of such county or municipal clerk to cause such official ballots, to the number and for the election districts requested by

such voter, to be printed and ready for delivery to such voter or his agent, at the office of such county or municipal clerk, at least four days before the election at which said ballots are intended to be used; *provided*, that said county or municipal clerk shall not cause any ballots to be printed for any voter requesting the same to be furnished, unless at the time of delivery to him of the written notification and request for such ballots the voter presenting the same shall pay to such county or municipal clerk a sum of money sufficient to pay for the printing of the same, which money paid shall be used by said county or municipal clerk in payment for the ballots printed at the request of such voter.

Cost of  
printing paid  
by applicant.

57. Such ballots so as aforesaid printed for and delivered to any such voter may be distributed before election day, and the same may be voted by any voter desiring so to do under the restrictions and regulations hereinafter prescribed.

Distribution  
of purchased  
ballots.

58. If any ballot voted at any election shall have thereon, either on its face or back, any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such ballot can or may be identified or distinguished from other ballots cast at such election, such ballot shall be absolutely void, and shall not be canvassed or counted for any candidate named thereon; and if on the face or back of any envelope inclosing any ballot, there shall be any mark, sign, designation or device whatsoever other than is permitted by this act, whereby such envelope can or may be identified or distinguished from any other official envelope used at such election, the ballot inclosed in such envelope shall be absolutely void, and shall not be counted for any candidate named thereon. (a)

Distinguish-  
ing mark on  
ballot or  
envelope  
renders it  
void.

(a) The provision that if a ballot have on it a distinguishing mark it shall be void, is not unconstitutional; the objection that the voter may thereby lose his vote by the fraud or neglect of those preparing the ballot is not sound. *Ransom v. Black*, 25 Vr. 446. Fifty ballots cast in the Third district of the Thirteenth ward of Newark had on the back the designation



How voter  
may alter  
ballot.

59. Nothing in this act contained shall prevent any voter from erasing from his ballot any name or names thereon printed, or from writing or pasting thereon the name or names of any person or persons for whom he desires to vote for any office or offices; the ink or lead pencil to be used in writing any name or names upon the ballots shall be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; and all pasters used shall be printed with black ink on white paper only, and the use of any other kind or style of pasters shall invalidate the entire ballot.

### Ballot-Boxes.

Ballot-boxes,  
by whom  
provided, and  
description  
thereof.  
[Amended,  
P. L. 1903,  
p. 627.]

60. The board of chosen freeholders of each county shall provide and keep in good repair ballot-boxes for the use of each election district, which boxes shall be made at least one foot in depth, width and length meas-

"Eighth district, Thirteenth ward." *Held*, that these ballots contained a designation by which they could and might be distinguished from other ballots cast at the election, and that they were properly rejected. *Ulrich v. Freienzechner*, 15 *New Jersey Law Journal* 74. The provision of the above section that a ballot which has upon it any distinguishing mark shall be void, overcomes and supersedes the common law rule with regard to ascertaining the intention of the voter by means of extraneous evidence in canvassing and counting the votes. *Kearns v. Edwards*, 17 *New Jersey Law Journal* 51. Ballots cast in one voting precinct having an official endorsement, indicating that they were prepared for another precinct, should be rejected as marked ballots. *Lippincott v. Felton*, 32 *Vr.* 291. Where a person had written on certain ballots his own name in a blank space under the printed words "Chosen Freeholder," it was held that the question as to whether such ballots were invalid as marked ballots was one of fact for the circuit court in proceedings under section 162, &c. *Hackett v. Mayhew*, 33 *Vr.* 481. The language of the 58th section and that of the 85th section show a clear legislative purpose to prevent a voter, or one acting for him, from placing upon a ballot any mark, sign, designation or device by which such ballot can be distinguished from any other ballot. But where a large class of ballots used have the same accidental or intentional mark or designation upon them, but for which mark or designation the voter is in no way responsible, such a ballot is not within the interdiction of the statute which makes a marked ballot void. It will not be presumed to be the legislative intent that the vote of the citizen shall be defeated by an act for which he was neither directly nor indirectly responsible. *In re Election of Long Branch Commission*, *N. J. Law Journal*, April, 1902, p. 115. Official ballots furnished to the electors by a municipal clerk under his construction of a statute of uncertain meaning, and endorsed with a *fac-simile* of his signature, are not upon that account marked ballots. *Bliss v. Wooley*, 52 *Atl. Rep.* 835.

uring the same on the exterior thereof; and when new boxes are required may provide a ballot-box known as the "safety ballot-box," of Camden, New Jersey; no sum in excess of twenty-five dollars shall be paid for each ballot-box; said ballot-box shall be so constructed as to have four glass sides, supported by four upright columns, and no bolts, screws or other attachments by which the box is held together shall be exposed on the outside; and the said ballot-box shall be secured by three patent locks, no two keys of which shall be alike; and these locks in turn shall be covered by an outer door, connected by a rod running to a dial in front of the box, which is sealed and in full view of the voter, so that each vote cast will be recorded in figures plainly visible in the front of the box; the said board of chosen freeholders shall also provide a sufficient number of additional boxes for the use of each election district at the primary elections provided for in this act, which additional boxes shall be at least one foot in depth, width and length, measuring the same on the exterior thereof, with four glass sides, and with an opening in the top for the reception of the ballots.

Additional  
boxes for  
primary  
elections.

### Election Blanks and Books.

61. The secretary of state shall, at the expense of the state, in all cases where the ballots are provided and furnished by the county clerks for any election, provide proper and sufficient canvassing-books, poll-books, register-books, copies of the election laws then in force, pamphlet of instructions for election officers and voters, blanks for the official oaths and for election returns for the proper carrying into effect the provisions of this act, and furnish a sufficient supply of the same to the clerks of the different counties of the state, for use in such counties, at least thirty days before the same shall be

Election  
blanks, etc.,  
furnished by  
secretary of  
state.

Distributed  
by secretary  
of state.

Distributed  
by county  
clerks.

required for use; and the said county clerks shall cause the same to be delivered to the different boards of registry and election in their respective counties at such times and in such quantity as will enable the provisions of this act to be fully carried out; *provided, however*, that the secretary of state shall forward to the county clerks of the several counties the necessary blanks for election returns for use at elections for justices of the peace, on or before the fifteenth day of February in each year, to be delivered by the said clerks to the several district boards of registry and election in their respective counties.

Election  
blanks, etc.,  
furnished by  
municipal  
clerk for local  
elections.

62. The clerk of every township, city and other municipality shall provide and furnish for use at all local, municipal and special elections, all necessary canvassing-books, poll-books, registry-books, blanks for election returns, and all other blanks and supplies necessary for the proper carrying into effect the provisions of this act; and said clerk shall cause the same to be delivered to the boards of registry and election in each election district, at such times as will enable the provisions of this act to be fully carried out.

### Challengers.

Agents or  
challengers  
at polls,  
by whom  
appointed.

63. The chairman of the county committee of any political party that has duly nominated any candidate for public office to be voted for at any election by all the voters within said county or any political division thereof greater than a single municipality, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairman of the committee of the political party making such nomination within and for such single municipality, or such division thereof, may appoint two agents for each election district in his county or municipality, as the case may be;

[Amended,  
P. L. 1899,  
p. 166.]



and any candidate duly nominated by petition for any office, whose name may appear upon the ballot to be used in any election, may likewise appoint two agents for each district; *provided, however*, that only two agents shall be allowed for each election district to represent all the candidates nominated in and by the same petition or group of petitioners; such agents shall be the authorized agents and challengers for their respective parties and candidates, and shall be at liberty to challenge the right to vote therein of any person claiming such right; the appointment of agents shall be made in writing under the hand of the person making the appointment, and shall specify the names and residences of the agents and the election districts for which they are severally appointed; such appointment papers shall be filed with the county board of elections, five days before the election, who shall thereupon issue, under their hands, to the persons named in such appointment papers, permits for them to act as agents of their respective parties or candidates at the election district specified; such permits shall be filed by the persons named therein with the board of election in the district named therein, as evidence of their authority to be present in the polling place; and such permits may be issued and revoked and others issued in their stead at any time up to and including the day of election; *provided, however*, that when a permit shall be revoked, the new permit in the place thereof shall be issued upon the nomination of the same person or officer upon whose nomination the original permit was issued; said agents may be present inside the railed inclosure while the votes cast at any election at which they were agents are being counted, and hear and see said ballots counted.

Their  
powers.

How  
appointed.

Permits  
issued.

Agents  
present when  
votes are  
counted.

### Method of Conducting Elections.

District boards to conduct all elections.

64. The boards of registry and election shall, in their respective election districts, hold and conduct all general, municipal, local and special elections to be held throughout the state.

Custody of ballot-box keys during election.

65. At the opening of the election, each of the keys of the locks of the ballot-box shall be taken by a different member of the board, who shall keep the same until the statement of the result of the election shall be made and certified, as directed by this act, and who shall not during that time suffer either of the other members of the board, or any other person, on any pretense, to take or have the same; and in all cases in which the members of such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the member of the board who shall have the key belonging thereto, as directed by this act.

Proclamation on opening polls.

Exhibition of ballot-box.

66. The boards of registry and election, before they receive any vote, shall make public proclamation of the opening of the election, and of their readiness to receive the votes of the voters; immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot-box, so that those present may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof, and thereupon the election shall be opened.

Poll-book at election, by whom and how kept.

67. One of the members of the board acting as clerk of election, to be designated by the judge, shall keep at such election a poll-book, in which he shall record the names of the persons whose votes shall be received, in the order in which they shall be received, and shall as he records such names number the same from one onward, until the election shall be closed; and such clerk shall write a heading to the list of names so recorded in the

following or like form: "Names of voters at an election held in the \_\_\_\_\_ district of \_\_\_\_\_, in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, for \_\_\_\_\_" (naming the offices to be filled), and filling up the blanks in the form above given to conform to the facts of the case.

There shall be entered on the poll-book the place of residence of each person voting; and every person at the time of offering his vote shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides is numbered, the number thereof; and in case of refusal to make the statement aforesaid, the vote of such person shall not be received; the other member of said board acting as clerk of election to be designated by the judge shall keep the register on the day of election, checking off the names written thereon when the voters deposit their ballots, and after the canvass of the votes the register so kept and checked shall be filed by him with the clerk of the county, and the poll-book shall be deposited in the ballot-box as herein required, and the keys of each ballot-box deposited with the county clerk.

Register,  
how kept.

Register,  
poll-book  
and keys,  
where  
deposited.

68. Every person qualified to vote in any election shall at any time after the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein in such district, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hand until such board shall have decided to receive the same.

Who may  
vote.

69. Every person possessing the qualifications required by the constitution, and being duly registered as required by this act, shall be entitled to vote in the

Where to  
vote.



election district in which he actually resides, and not elsewhere. (a)

Freedom  
from arrest.

70. No person who shall have a right to vote at any election shall be arrested by virtue of any civil process on the day on which such election shall be held.

Who dis-  
qualified by  
reason of  
crime.

71. No person shall be entitled to vote who shall have been convicted of any crime which excludes him from the right of suffrage under the constitution of this state, viz., blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, larceny of above the value of six dollars, perjury or subornation of perjury, unless he shall have been pardoned or restored by law to the right of suffrage; if a person be challenged as convicted of any of the above named crimes, he shall be required to answer in relation to such alleged conviction; and if he shall admit that he has been so convicted, he shall not be permitted to vote unless he shall make oath that he has been pardoned or restored by law to the right of suffrage; but if he shall deny that he has been so convicted, no proof of such conviction shall be received, other than the duly authenticated record thereof, except such proof as may be necessary to establish his identity with the person named in such record, or may be adduced by him to rebut the evidence of identity produced on behalf of the challenge; but if any person so convicted shall vote at any such election, unless he shall have been pardoned or restored by law to the right of suffrage, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

Challenge  
for crime.

Penalty for  
convicted  
person  
voting.

(a) This section will not be held to disfranchise voters who vote at a polling place selected and advertised by the proper officers as the polling place of the district in which such voters reside, notwithstanding the place so selected, but at which the election is otherwise lawfully held, is outside the territorial limits of the election district for which it is provided, no fraud or other harm being shown. *Otis v. Lane*, 54 *Atl. Rep.* 442.

72. The members of the boards of registry and election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect or believe not to be qualified or entitled to vote therein.

When members of district board shall challenge.

73. If any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground for such challenge to be that the person so challenged is an alien, the judge of election may forthwith tender to him an oath or affirmation, in the following form:

Challenge as an alien.

“You do swear (or affirm, as the case may be), that to the best of your knowledge, information and belief, you were born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state or sovereignty;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce at the time of claiming his vote, to such board, a lawful certificate, issued out of and under the seal of some court of record, having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States, or, in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case the said judge shall tender to the person so challenged an oath or affirmation in the following form:

“You do swear (or affirm, as the case may be), that you are the person named in the certificate of naturalization which you have produced to the board;” and in the latter case, an oath or affirmation, in the following form:

“You do swear (or affirm, as the case may be), to the best of your knowledge, information and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States;” and if the person so challenged shall in either case, refuse to take the oath or affirmation so tendered to him, he shall be deemed and taken to be an alien.

Challenge as  
not qualified  
or entitled  
to vote.

74. If any person shall be challenged, as not qualified or entitled to vote, the said judge may forthwith tender to the person so challenged an oath or affirmation, in the following form:

“You do swear (or affirm, as the case may be), that you are a citizen of the United States; that you have resided in this state one year, and in this county five months next before this election, and not elsewhere; that you are now a resident in this election district; that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election, in this election district, and that you have not voted elsewhere in this election;” and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

How board  
may satisfy  
themselves  
regarding  
one's right  
to vote.

75. The board of registry and election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons, under oath or affirmation, touching such right, except as hereinbefore restricted; and if any member of such board shall receive, or assent to receive, the vote of any person challenged, without requiring such person to take the oath



or affirmation hereinbefore prescribed to be made upon such challenge, and such person shall not be qualified and entitled to vote, such member so receiving or assenting to receive such vote shall be deemed and taken to have received the same knowing it to be illegal.

76. Upon any question or challenge of a voter duly registered it shall be the duty of the board of registry and election, and the privilege of all its members, to put all such questions as are proper to determine the right of such voter to vote; and the question as to the admission of this vote shall be put in the following form: "Shall this voter's ballot be received by this board?"

Board to  
question  
challenged  
person.

77. Whenever, before the close of the election, an adjournment shall be ordered by the said board, they shall state in the poll-book, immediately after the last name therein, in words, written at full length, the whole number of the names of the voters in the poll-book, to which the members of such board shall sign their names; and shall unlock and open the ballot-box, place and secure the bar or bolt in the lid thereof, in such manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book and shut and lock the same; and when the period of adjournment shall have expired, such board shall unlock and open the ballot-box, take therefrom the poll-book, remove such bar or bolt, so as to leave open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more members of such board, to be appointed by such board for that purpose, who shall keep the same, during such adjournment, in public view.

Proceedings  
on adjourn-  
ment before  
close of  
election.

78. The clerks of the several townships, cities or other municipalities, charged with the duty of providing in each election district a suitable room in which to hold the election shall have constructed therein and ready for use before each election day, booths or compartments with

Polling-  
booths; how  
constructed  
and  
furnished.

swinging doors, so arranged that some part of the person of the voters standing in said booths may be seen from the outside of the booths when the door is closed; in which booths voters shall prepare their ballots secretly and screened from the observation of others; each booth shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting; the number of such booths shall not be less than one for every one hundred votes cast at the next preceding general election held in such district, and not less than two such booths shall be provided in any polling place; said booths shall be erected within a railed inclosure separating the same from the remainder of the room; not more than one person, except as hereinafter provided, shall be permitted to enter or be in the same booth at one time; the said booths shall be so arranged and constructed that all the officers conducting the election can see whether more than one person enters or is in any booth at the same time; each booth shall be kept provided by said election board with a sufficient supply of official ballots of each party, organization or set of petitioners, and with lead pencils; the ballot-boxes at every polling-place shall be within said railed inclosure, and so placed that the voter may deliver his ballot to the election officers after emerging from the booth, before leaving the railed inclosure within which the booths and ballot-boxes are placed; such railed inclosure shall be provided with a single entrance, by which voters shall enter, and a single exit by which they shall leave the same; said booths shall be at all hours well and sufficiently lighted to enable voters to read and prepare their ballots with ease; except as in this act otherwise provided, no person shall be allowed within said railed inclosure while the election is in progress, other than the election officers and voters entering the same for the purpose of preparing their ballots and voting at such election; but not more than two of

Location of  
ballot-boxes

Who allowed  
within  
inclosure.

such voters in excess of the total number of booths shall be allowed within such railed inclosure at one time; and no person shall be allowed or permitted to be present in the polling-room outside such railed inclosure during the progress of the election, except the officers connected with the election, the several candidates, the duly-authorized agents of the candidates of political parties, such voters as are present for the purpose of voting, and such officers as may be duly detailed to be present, pursuant to this act, for preserving the peace or enforcing the provisions hereof; after the hour fixed for closing the polls no voter shall be admitted within the railed inclosure, but voters already within such inclosure shall be permitted to prepare and cast their ballots; the arrangement of such polling-place shall, as to said railed inclosure, and the entrance thereto and exit therefrom, and the location of the booths and ballot-box within such inclosure, be substantially as shown in and by schedule A and forming a part hereof.

Who allowed  
in polling-  
room outside  
of inclosure.

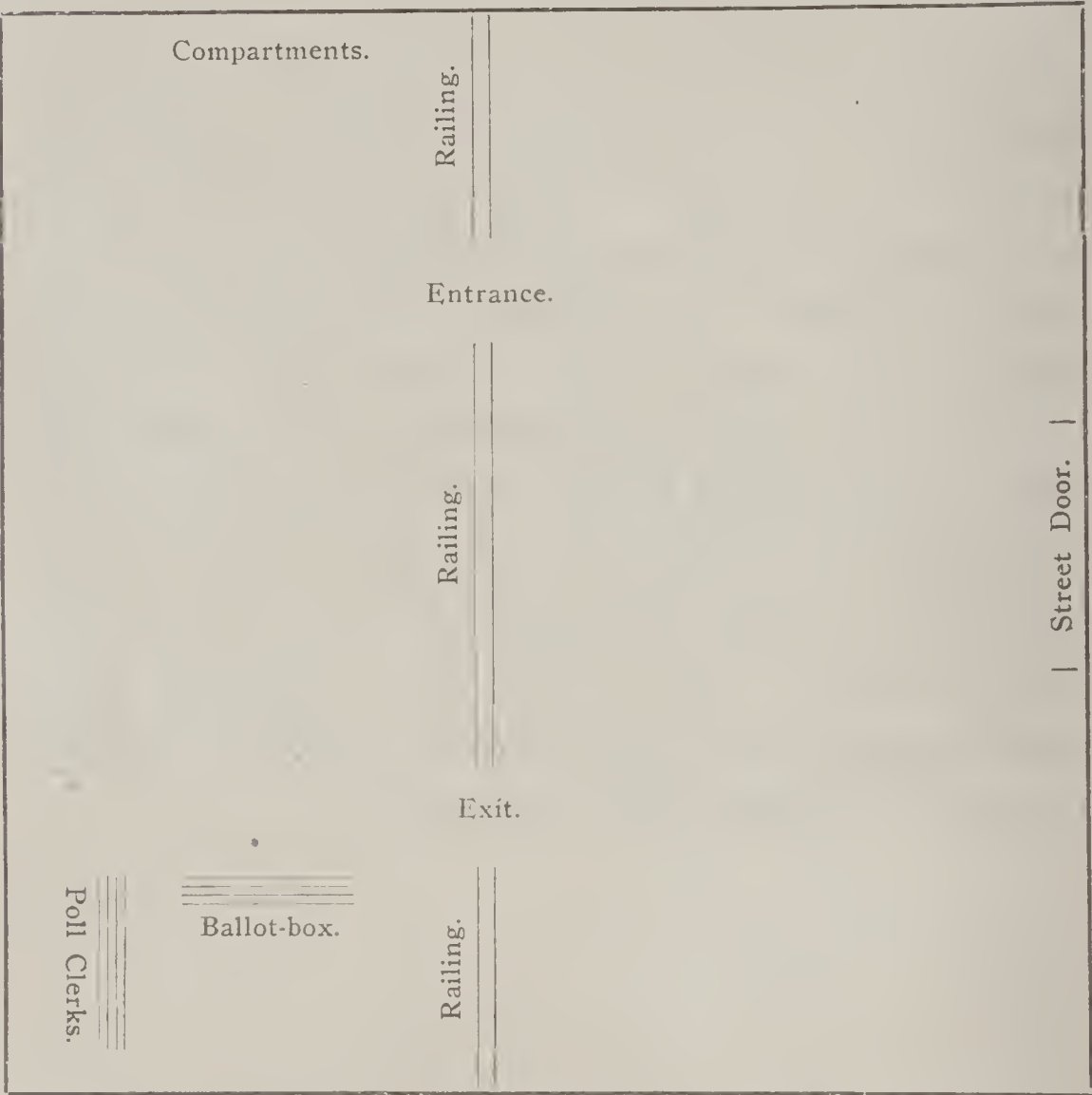
Who may  
vote after  
hour for  
closing polls.



79. SCHEDULE A.

Plan for  
polling-room.

*Polling-room.*



Voter sup-  
plied with  
ballots  
and one  
envelope.

80. Immediately on entering said railed inclosure, and before entering any booth, each voter shall be furnished by the inspector of election, to be stationed in close proximity to the entrance of said railed inclosure, with one of each of the official ballots provided for said election, and with one, and only one, of the official envelopes provided for such election; *provided*, that in those cases where, by the provisions of this act, a sufficient number of official ballots for that purpose shall not have been delivered to the board of election by the county or municipal clerk for any organization, party or group of petitioners, it shall be lawful for such organization,

party or group of petitioners to deliver to the board of election official ballots, in number sufficient to furnish one of such ballots to each voter; and it shall then be the duty of such board of election to provide each voter with such ballots in the manner provided for in this section; no person shall be permitted to vote at said election until after he shall have received said ballots and envelope in manner aforesaid, and carried the same with him into one of the booths; having obtained said ballots and envelope, the voter shall, with the same in his possession, without delay and without leaving said railed inclosure, retire alone to one of said booths and enter the same and close the door thereof, and remain therein such length of time, not exceeding five minutes, until he shall have inclosed in said official envelope the ballot he intends voting, in such manner as to conceal all printing, writing or pasters on the face of said ballot, whether said ballot was procured from said election officer, or within said booth or elsewhere; on leaving the booth the voter shall forthwith, and before leaving said railed inclosure, deliver his ballot, inclosed in said envelope as aforesaid, unsealed, but with the flap thereof turned down so as to conceal the ballot therein, to the judge of election at the ballot-box, who shall immediately deposit the same in the ballot-box in the presence of the voter; after which the voter shall, without unnecessary delay, leave the polling-room; and no ballot (except as in this act otherwise provided) shall be counted unless the same shall be inclosed in an unsealed official envelope, in the manner herein prescribed; *provided*, that in no case shall the ballot be deposited by such judge until the board of election shall have decided to receive the same; nor shall the ballot or envelope, in any case, be by any member of said board opened, marked or examined, or permitted to be opened, marked or examined, before the same shall be deposited in the

Duty of voter after receiving ballots and envelope.

Duty of board as to ballots received.

ballot-box; and each envelope inclosing a ballot shall be separately deposited in the ballot-box.

Proceedings  
in case voter  
is blind or  
disabled.

81. Any voter at any election who declares under oath, and establishes to the satisfaction of a majority of all the members of the board of election, that by reason of blindness or other physical disability, he is unable to enter and remain in a booth or to prepare his ballot therein, for voting as aforesaid, without assistance, shall be permitted to bring with him to such booth a person of his own selection, who may retire with such disabled voter to the booth and assist him in the preparation of his ballot and inclosing and folding the same in the said envelope as the disabled voter shall direct, in order that it may be cast by such disabled voter as his ballot; the poll-clerk shall make a memorandum on the poll-book of every instance when an oath was administered to a voter as herein provided, stating briefly what facts were sworn to, and the name of the person or persons who aided the voter in preparing his ballot; no voter shall divulge to any one within the polling-place the name of any candidate for whom he intends to vote; nor shall he ask for and receive the assistance of any person within the polling-place in the preparation of his ballot except as prescribed in this section; no person who assists a voter in the preparation of his ballot, as herein provided, shall reveal to another the name of any candidate for whom the voter has voted, or anything that took place while he was assisting such voter in preparing said ballot for voting; this section shall not apply to the case of any person intoxicated or unable to read and write.

Name of  
person voted  
for not to be  
divulged.

Disability not  
to include  
intoxicated  
persons, etc.

Proceedings  
when voter's  
name is  
already  
checked off.

82. When any legal voter shall apply to the board of registry and election in the district in which he resides, and shall find that his name upon the registry list is already checked as having voted, it shall be lawful for the board of registry and election to receive his vote,



upon due proof to them that he is a lawful voter in such district and has not voted in said election.

83. The boards of election of every election district shall preserve the peace and maintain good order in their respective polling-places, during the progress of all elections and the counting of the votes cast thereat, and to that end each member of every election board, during the progress of any election and the counting and canvassing of the votes, shall be and hereby is invested and charged with all the powers and duties of constables of this state in criminal matters; said election boards, or any two members of them, may, by writing under their hands whenever in their opinion it shall be necessary so to do, request the municipal authorities of any municipality within which their election district is situate, or the body or officer having charge and direction of the police force in such municipality, to detail one or more policemen to assist in preserving the peace and good order in and about such polling-place, which request shall forthwith be complied with as far as possible by the body or officer to whom the same is made.

Preservation  
of peace and  
good order  
at the polls.

84. No member of any board of registry and election shall be elected to any office to be filled at the election in which he shall serve; and if any such member shall be voted for in any such election, the person or persons, to the number to be elected therein, who shall, by law, be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such member, shall be deemed and taken to be elected, and the votes which shall be given to such member shall be deemed and taken to be null and void.

Member of  
board not  
eligible to  
elective  
office.

### Local or Charter Elections in Townships and Municipalities Other than Cities.

Act to apply to all general and city elections.

Provisions as to local Booths to be provided. elections—townships, boroughs, etc.

No official ballots required, but furnished by candidates.

85. The provisions of this act relating to the nomination of candidates and the use of official ballots and envelopes shall apply to all general elections throughout this state and to the charter, local or special elections in all of the cities of this state, but shall not apply to any township, local or municipal election in any township, town (a), borough or other municipality of this state; but every township, local or municipal election in any township, town, borough or municipality, other than cities, shall be held and conducted in the following manner: The clerk of every such township, town, borough or other municipality shall, before election day, arrange the room by him provided for such election with booths, and railings, in all respects as is required in and by this act; the ballots to be used at such elections shall not be official, but shall be furnished or provided by candidates or other interested parties; such ballots shall be printed with black ink on plain white paper, after the manner and style hereinbefore provided; it shall and may be lawful for any voter at such election to erase from his ballot any name or names thereon printed, and to write or paste thereon the name or names of any person or persons for whom he may desire to vote for any office; the ink or lead pencil to be used in writing any name or names upon the ballots to be black in color, and the use of any other colored ink or pencil shall invalidate the entire ballot; all pasters shall be printed with black ink on white paper, and the use of any other kind or style

(a) By an amendment the provisions of the act do now apply to the charter, local, municipal and special elections in all of the cities and towns of this state and in all other municipalities of this state having a population of more than 8,000 inhabitants according to the last state or federal census. See sec 234 *post*.

of paster shall invalidate the entire ballot; for said election such clerk shall provide and furnish, at the expense of the township or municipality, official envelopes of the size, color and style hereinbefore mentioned; said envelopes shall have printed upon the face thereof the words "official envelope for ———;" after the word "for" shall follow the designation of the township or other municipality for which the envelope is prepared; then shall follow the date of the election and a fac-simile of the signature of such clerk; the distribution and use of such official envelope shall be confined exclusively to the polling-room, in the manner hereinafter directed; such clerk shall provide, and on the day preceding the election furnish to some member of the board of registry and election of each election district in every such township or municipality, so many official envelopes as will be equal to double the number of all the votes cast in such election district at the last preceding election therein; which envelopes so furnished shall be by the officer receiving the same delivered to the board of registry and election on the day of election, before the opening of the polls; it shall be lawful for any candidate or other person at any such election to deliver to the board of registry and election the ballots of any party or faction having candidates to be voted for at such election; which ballots so supplied, the board of registry and election shall receive and cause to be furnished to each voter, together with the official envelope; if on the face or back of any ballot or envelope inclosing any ballot, there shall be any mark, sign, designation or device whatsoever, other than is permitted by this act, whereby such ballot or envelope can or may be identified or distinguished from any other ballot or envelope used at such election, the ballot inclosed in such envelope shall be absolutely void and not counted for any candidate named thereon; (a) the con-

Official envelopes required; how provided.

Distinguishing mark on ballot or envelope renders same void.

Ballots, how canvassed, etc.

(a) For authorities as to what ballots and envelopes shall be deemed marked, &c., see note (a) to section 58 *ante*.



duct of such election, the manner of voting, and of counting and canvassing the votes cast, shall conform in all respects to the provisions of this act regulating the general election, and shall be subject to all the restrictions, conditions and penalties applicable thereto.

### Canvassing the Vote.

Statement in  
poll-book at  
close of  
voting.

86. In all elections held pursuant to this act before proceeding to estimate and canvass the votes which shall have been received the clerk of the board of election keeping the poll-book shall state therein, immediately after the last name, in words written at full length, the whole number of the names of the voters in the poll-book, in the following or like form : "The whole number of the names of the persons whose votes have been received during this election is ———," filling up the blank to conform to the fact; and the members of such board shall sign their names thereto.

Ballots, how  
counted and  
strung.

87. Such board shall thereupon unlock and open the ballot-box; the envelopes containing the ballots shall then be taken singly and separately therefrom by the judge of election, who shall remove the same from the envelope, and while each ballot shall remain in his hands, he shall audibly and publicly read the same; and before taking another ballot from the box, shall deliver the ballot open with the official envelope to the inspector, to be examined and numbered; the inspector shall take and examine the same; and thereupon if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot from one onward, in the order in which the same shall have been taken from the box, and shall write a corresponding number upon the envelope from which the same was taken; the ballot shall then, before another envelope is opened, be returned to the envelope wherefrom it was taken; the inspector

shall string the envelope and ballot as one ticket in the order in which the same shall be taken from the box and numbered, by means of a needle and twine to be provided for that purpose.

88. The clerks of such board, under the inspection and direction of such board, shall each make a list of the names of all persons for whom one or more votes shall have been given, designating the office which such person shall be voted for; and as each ballot shall be read he shall write the figure "1" opposite the name of each person whose name shall be contained therein, as designated for any office; when all the votes which shall have been received shall have been read, examined, numbered and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

Clerks to  
keep tally-  
sheet.  
Board to cast  
up votes.

89. No member of any board of registry and election shall sign any returns of election until after the completion of the counting of votes, and his personal examination of the tally-sheets to determine the results; the counting of the votes shall commence immediately upon the closing of the polls on the day of election; the board shall proceed to read and count the votes received, and shall complete the same without delay and without adjournment, and after completing the same shall audibly and publicly announce the result thereof, particularly specifying the whole number of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled by such election, and the number of votes given for each person for the office designated for him by said votes; the counting of all ballots at any election shall be open and public, but not to the extent that the number present shall hinder, delay or inconvenience the election officers in counting the ballots and ascertaining the result.

Signing  
returns, ex-  
amination  
of tally-  
sheets, and  
announce-  
ment of  
result.

90. The decision of a majority of the board of registry and election on any question shall be deemed and

Majority to  
decide  
questions.

Dissent may  
be recorded.

taken to be the decision of such board, and final; and if any member of such board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent, in cases relating to registration, in the register, and in all other cases, in the poll-book of such election, signing his name to such record with his own hand, and unless he shall do so, he shall be deemed and taken to have assented to the decision so made.

What ballots  
wholly void.

91. If, in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are such names, shall be deemed and taken to be null and of no effect; if on opening any envelope it shall be found to contain more than one ballot, or if any ballot shall be wholly blank, then and in every such case such ballots shall be deemed and taken to be null and of no effect; (a) and in every case in which a ballot shall be declared null and of no effect, the same shall not be canvassed, estimated or numbered, but all such ballots shall be returned to the envelope wherein they were found, and on the face of such envelope shall be written the words "rejected ballot;" and the said envelope and ballot shall then be strung in the same manner in which the other envelopes and ballots are directed to be strung, but on a different twine.

Rejected  
ballots.

What ballots  
partially  
void.

92. If, in canvassing and estimating the votes, any ballot or ballots shall be found to contain more names

(a) Where each of thirty-five envelopes contained two ballots, or slips of paper, one headed "Municipal Ticket" and the other headed "Regular Republican Nominations," both of which were indorsed by the town clerk as official ballots, the judgment of the trial court that both of these ballots should be counted as one was reversed by the court of errors, and it was held that the language of the above section prohibited the court as well as all other election officers from counting such ballots. *Chandless v. Day*, 27 Vr. 682.



for any office than there are persons to be elected to fill such office, then in every such case the ballot or ballots shall be deemed and taken to be null and of no effect, so far as respects the office for which there are more names than there are persons to be elected to fill such office, and no further.

93. At every election the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and whenever an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, the said office shall be deemed and taken to be vacant.

Plurality  
of votes  
sufficient  
to elect.

Equal vote  
renders office  
vacant.

### Statement of Result of Election.

94. In every township or municipality (other than cities) containing but one election district, the members of the district board of election conducting any township, local or charter election therein shall, upon the close of the election, ascertain and determine what officers have been elected, sums of money voted, or propositions adopted, and the result of the election in all other particulars; in every township or municipality containing more than one election district the members of the district boards of election conducting any such election shall meet on the day after holding the same, at the hour of two o'clock in the afternoon, at the polling place in the district in which the township or municipal clerk may reside, and when so met shall ascertain and determine in like manner the result of said election in said township or municipality; *provided*, that when such township or municipality contains more than two election districts,

Determina-  
tion of  
result of  
election.  
[Amended,  
P. L. 1905,  
p. 507.]

Returns  
canvassed  
next day.

Proviso.

two members only from the board of election of each district, to be designated by the board, shall meet in like manner and ascertain the result of said election as above provided; such determination shall be written out and signed by the election officers making the same, and forthwith delivered to and filed by the township or municipal clerk.

Duplicate statements of result to be made in state and county elections.

95. In all elections which shall be held for state and county officers, the board of registry and election shall make duplicate statements of the result thereof, and certificates to the same, in the following or like form:

Form thereof

“A statement of the result of an election held in the \_\_\_\_\_ election district of the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of November, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, for a member of the senate, members of the general assembly, a sheriff and three coroners, for said county; (or as the case may be.)

The whole number of names on the poll-list is \_\_\_\_\_;  
The whole number of ballots rejected is \_\_\_\_\_;

For member of the senate,	received	votes
	received	votes
For members of the general assembly,	received	votes
	received	votes
For sheriff,	received	votes
	received	votes
For coroners,	received	votes
	received	votes

We do certify that the foregoing is a true, full and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of

the names on the poll-book and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices as designated for him.

In witness whereof, we have hereunto set our hands, this ——— day of November, in the year of our Lord one thousand eight hundred and ———.

} Board of  
} Registry and  
} Election.”

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein; and stating opposite to the same, in words written at full length, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election, the board of registry and election shall make statements of the result thereof, and certificates to the same, in a form similar to that above given, as far as the nature of such election will admit.

Form of  
statements  
in other  
elections.

96. The judge of election, or such one of their number as the board of registry and election shall designate, shall, within two days next after election, deliver or safely transmit one of said statements of the result of such election to the clerk of the county, who shall forthwith file the same; and whenever an election shall be held for senator, members of assembly or for any county, township, city or other municipal officers, such judge or member so designated shall, at the same time and with the ballot-boxes, as hereinafter provided, deliver or safely transmit the other of said statements to the clerk of the township, city or municipality wherein such election is held, who shall forthwith file the same; but whenever an election shall be held for member of the house of representatives

Statements of  
result to be  
filed with  
proper  
officers.  
[Amended,  
P. L. 1908,  
p. 385.]



or for electors of president and vice-president, or for governor, separate statements of the result of such election for representative, electors or governor shall be made and certified by said board, and such judge or member so designated shall within two days next after such election deliver or safely transmit one of said statements to the clerk of the county, and shall inclose, seal up and transmit the other statement to the secretary of state by mail, directing the same in the following manner: "To the secretary of state of New Jersey, Trenton, New Jersey," and the secretary of state on receiving such statement shall forthwith file the same in his office.

Penalty for failure to transmit or deliver statement.

97. If any member of a board of registry and election who shall have been appointed by such board to deliver or transmit the statement of the result of such election shall neglect or fail to deliver or safely transmit the same within the time herein required, such member shall forfeit and pay to the county collector of such county, for the use of the county, the sum of one hundred dollars, to be sued for and recovered by such collector, with costs, in any court of competent jurisdiction; and it shall be the duty of the clerk of the county to certify to the county collector the names of all members so failing to deliver or transmit such statement; and the said county collector shall forthwith institute proceedings to recover said penalty.

Delivery of statement may be ordered by justice of the supreme court.

98. If any election officer shall fail to deliver or transmit the statements of the result of any election to the person or place, and within the time herein required, any member of the county board of elections may apply to any justice of the supreme court for an order to compel the immediate delivery of said statements, and the said justice, upon presentation of the facts which satisfy him that the said election officer has failed to deliver or transmit the same as herein required, may make an order requiring the immediate delivery thereof by said

officer, and in case of failure on the part of said officer to produce the same within twenty-four hours after being served with such order, the said officer shall be deemed and considered in contempt of court, and shall be punished accordingly.

### Disposal of Ballot-Boxes.

99. As soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, the poll-list and tally-papers, all unused and all spoiled official envelopes (which shall be tied up in one package), shall be carefully collected and deposited in the ballot-box; and such ballot-box, after being locked and bound with tape and sealed, shall, in all cities in this state, be immediately taken in charge by the two clerks of election, and by them forthwith carried to the office of the city clerk of the city in which such election may be held, by the most direct route, and without delay, and said clerks shall not stop at any place between the polls and the city clerk's office; the clerk of such city shall attend at his said office on election day, or appoint one of the clerks in his office to act for him, and keep his office open from the time the polls shall be closed until all the ballot-boxes used at the various polls in said city at such election shall have been delivered at his office; the clerk of such city or his subordinate whom he may have appointed to act in his stead shall enter in a book to be kept for that purpose, the exact time when each ballot-box may be delivered at said office, the district whence it was brought, names of the clerks delivering it, and the name of the police officer or other witness who may accompany them, and such other particulars as he may deem important; said book shall be filed in the office of the city clerk; in all townships and municipalities other than cities, such

Ballots, poll-lists, etc., placed in ballot-box.

Disposition of ballot-boxes in cities.

Disposition in townships, etc.

ballot-box shall remain in the township or other municipality, under the care and in the custody of the clerk thereof, to whom it shall be forthwith delivered by the clerks of election in the manner above directed.

Preservation  
of boxes and  
ballots.

100. Every city, township or other municipal clerk to whom said ballot-boxes shall be delivered, shall thereupon keep the same, with their contents, but shall not have the keys thereof in his possession until required for the next ensuing election, and shall not open or permit to be taken or opened any ballot-box deposited as aforesaid for the space of three months after the same has been so deposited, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election, or to take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned to his custody; *provided*, that when any election is required to be held for any purpose within the time that said ballot-boxes are required to remain in the custody of said clerk, it shall be lawful for the judge of the circuit court of the county, upon application of the city council, township committee or governing body of any municipality, to direct the contents thereof to be removed and carefully preserved, and the said ballot-boxes to be used at such election.

Penalty for  
interfering  
with clerks  
taking box to  
city clerk's  
office.

101. Any person who shall willfully obstruct or interfere with the clerk or clerks on the way from the polls to the office of the city clerk, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.



### Board of County Canvassers.

102. For all general and special elections in this state, and for all local or municipal elections in the several cities of this state, the county board of elections in each county shall hereafter be and act as a board of county canvassers; the clerk of the county shall be the clerk of the said board.

Board of  
county  
canvassers,  
who to be.

103. Such board shall meet on the Monday next after any such election, at twelve o'clock noon, at the court house of such county, at which time and place the clerk of such county shall attend and bring with him the statements of the result of such election which have been filed in his office.

Time of  
meeting.  
[Amended,  
P. L. 1903,  
p. 701.]

104. If the clerk of such county shall be absent at such meeting at the time appointed therefor, the board shall forthwith proceed to appoint a fit person to be the clerk of such board, who shall obtain such statements from the office of said clerk, and before proceeding to canvass and estimate the votes the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation in the following form:

Appointment  
of clerk if  
county clerk  
be absent.

"You do swear (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board according to law."

Oath of clerk.

105. If on the day appointed for the meeting of such board, a major part of such board shall not attend at the court house of such county at the hour of twelve o'clock, noon, or if at that time the statements of the result of such election from every election district in such county shall not be produced, the members of the board then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the member or members then present may proceed as hereinafter di-

When board  
may adjourn.

rected, or may again adjourn for a period not exceeding three days, at which time the member or members then present shall proceed as hereinafter directed.

Proceedings  
to obtain  
missing  
statements.

106. If at the time fixed for the meeting of such board the statements from every election district have not been filed with the clerk of the county, then such clerk shall forthwith, by a special messenger or otherwise, at the expense of such county, obtain such statement or statements as shall be lacking, in time to be produced to such board at their next meeting, and for this purpose either the statements directed to be filed with the county clerk or the statements directed to be filed with the clerk of any township, city or municipality wherein such election was held, or a copy certified by the secretary of state, of the statements transmitted to him, shall be sufficient; and the clerk of such board shall lay before such board, at their subsequent meeting, all such statements and certified copies as he shall have obtained as above directed.

Protection of  
statements  
during  
adjournment.

107. Whenever any board of county canvassers shall find it necessary to adjourn, as herein provided, all statements of the result of an election which shall have been delivered to such board, or to any member thereof, shall, in the presence of such board, and before it shall adjourn, be securely inclosed and sealed and delivered to the county clerk for safe-keeping until the next meeting of such board.

Board to  
canvass  
votes and  
make two  
statements  
of result.

108. The members of said county board of canvassers shall proceed to examine the statements and copies of statements which shall be produced before them and shall canvass and determine the votes cast at such election; and shall forthwith make two statements of the result of such election; each of which statements shall contain the name of each election district, the number of names of the voters on the poll-books of each election district, and of the ballots rejected, and the whole number of such names and rejected ballots in all of said election dis-

tricts; the number of votes given in each election district for each person for whom any vote or votes shall have been given for any office to be filled by such election, mentioning the office for which each person shall have been designated and the name of such person (which numbers of names and numbers of votes given, and of ballots rejected, may be in figures), and the whole number of votes which shall have been given for each person for any such office, mentioning the office for which each person shall have been designated, and the name of such person (which numbers of votes and the names of persons and election districts shall be in words, written at full length), and each of such statements shall be certified to be true and correct by a certificate which shall be appended to the same, signed by the members of such board making such canvass. (a)

Statements  
to be  
certified.

109. The statement and certificate shall in the following, or like form:

Form of  
statement.

“A statement of the result of an election held in the county of ———, on the ——— day of November, in the year of our Lord one thousand ——— hundred and ———, to elect a member of the senate, members of the general assembly, a sheriff and coroners of said county [naming the officers as the case may be], made by the board of county canvassers of said county:

(a) Formerly the certificate was signed by the chairman of the county board of canvassers and attested by the clerk. It will be observed that the present law requires the certificate to be signed by *all* the members of the county board. The county board must make their statement of the result upon the statements and copies of statements produced before them. They have no authority to examine into the regularity of the proceedings of district boards or to look behind the official returns produced before them. *State v. The Governor*, 1 Dutch. 331. See also *State v. Common Council of Rahway*, 4 Vr. 111. The result of an election may be inquired into by *quo warranto*, notwithstanding the determination of the canvassing board. *State v. Clerk of Passaic*, 1 Dutch. 354.



ELECTIONS.

Names of persons voted for and the offices designated for each.	Names of election districts and the number of votes given for each person in each district.	Whole number of votes in the county.	Whole number of votes received by each person.
For member of senate.....			
For members of assembly.....			
For sheriff.....			
For coroners.....			
Number of names on the poll-book of each district.....			
Number of ballots rejected.....			

Form of  
certificate  
appended to  
statement.

I do hereby certify that the foregoing is a true, full and correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of the names of the voters in the poll-books of the election districts, respectively, and of the ballots rejected, the whole number of the names of the voters in the poll-books of the several election districts, the name of each person for whom any vote or votes were given, the number of votes given for each person in each election district, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board. In witness whereof, I have hereunto set my hand, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand \_\_\_\_\_ hundred and \_\_\_\_\_.

Chairman of the board of canvassers.

Attest : \_\_\_\_\_, Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case.

110. Such board shall deliver one of the said statements to the clerk of the county, who shall forthwith file the same; and in case of an election held for members of the house of representatives, or for electors of president and vice-president, or for governor, or for senator, members of assembly, or for any county officers, the chairman of such board shall inclose and seal up the other statement and deliver or safely transmit the same so inclosed and sealed up, to the secretary of state at Trenton, so that he shall receive the same within three days next after the meeting of such board; and the secretary of state shall forthwith file the same; and in case of any municipal election in any city of this state the chairman of such board shall forthwith deliver or safely transmit such other statement to the clerk of such city, who shall file the same.

Disposition of  
statements.

111. The board of county canvassers, in case of an election for a member of the senate, members of the general assembly, or for any county or city officer or officers, shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated; and thereupon such board shall make a statement of their determination, certified to be true and correct, by a certificate appended to the same, and signed by the chairman of such board, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto; and the statement of such determination, and the certificate thereto, shall be annexed to the statement of the result of the election, and shall be delivered therewith to the clerk of the county and filed in his office; in case of any election for any city officer or officers, another copy of such determination, as to such officer or officers, shall be made, signed and at-

Board to  
determine  
who are  
elected as  
legislators,  
county or  
city officers.

tested in manner aforesaid and forthwith filed with the clerk of such city.

Form of  
statement of  
determina-  
tion.

112. The statement of the determination of such board shall be in the following or like form:

“A statement of the determination of the board of county canvassers relative to an election held in the county of ——— on the ——— day of November, in the year of our Lord one thousand ——— hundred and ———, for the election of a member of the senate, members of the general assembly of this state, and a sheriff and coroners for said county (naming the officers, as the case may be).

The said board do determine that at the said election, ——— was duly elected a member of the senate of this state; ——— were duly elected members of the general assembly; ——— was duly elected sheriff, and ——— were duly elected coroners for said county (as the case may be).

I do certify that the foregoing is a true, full and correct statement of the determination of the board of canvassers therein mentioned.

In witness whereof I have hereunto set my hand this ——— day of November, in the year of our Lord one thousand eight hundred and ———.

Chairman of the board of canvassers.

Attest: , Clerk.”

Form of  
statement in  
special  
elections.

And in case of a special election to fill a vacancy or vacancies, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

In certain  
cases board  
to make  
statement  
and deter-  
mination.

113. The board of county canvassers in the case of an election for a member of the senate, members of the general assembly, county or municipal officers, or any



of them, shall make a statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all other cases shall make only a statement of the result of the election in such county upon the statements and copies of statements which shall be produced and laid before the board, as directed in this act.

In other cases to make statement only.

114. The clerk of such county, in the case of an election for senator, members of the assembly, or any county officer, shall make as many copies of the statement of the determination of such board, and the certificate appended thereto, as may be necessary, and shall certify such copies to be true, full and correct, by a certificate appended to each of them, and shall sign his name thereto, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected and shall inclose, seal up and transmit another copy of the same to the secretary of state at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office.

County clerk to deliver certified copies of determination to persons determined to be elected.

115. The senate and general assembly shall convene and hold their sessions in the state house, at Trenton; and in the organization of each house the certified copies of the aforesaid statements of the determination of such board shall be deemed and taken to be prima facie evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they shall have been so determined to be elected.

Certified copies prima facie evidence of election of senators and assemblymen.

116. All the statements and copies of statements which shall be produced and laid before such board shall, by such board, be delivered to the clerk of such county, and shall be by him filed in his office.

All statements produced before board to be filed in county clerk's office.

117. All the proceedings of such boards shall be open and public, and a decision of the major part of the members thereof, who shall be present at such meeting thereof, shall be deemed and taken to be the decision of

Proceedings of board public—majority to decide.

Dissent may  
be filed with  
county clerk

such board; and if any member shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

### Board of State Canvassers.

Secretary of  
state to  
obtain  
missing  
statements.

118. In case of any election for one or more members of the house of representatives, or for electors of president and vice-president, or for governor, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are hereinbefore directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a special messenger or otherwise, obtain such statement or statements as are lacking; and for this purpose a copy of the statement directed to be filed with the clerk of the county, certified by such clerk, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election, in any county, in the manner hereinbefore provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every election district of such county; and if it shall appear to him that the statement of the result of such election in any election district is not exhibited by or included in the statement of the result of such election, in such county, he shall forthwith ascertain whether or not a copy of such lacking statement has been received in his office; and if it shall appear to him that such copy has not been so received, he shall forthwith, by special messenger or other-

Duty of  
secretary of  
state as to  
defective  
statements.

wise, obtain a copy of the statement directed to be filed with the clerk of such county, certified by such clerk, which shall be sufficient; and such secretary shall, on the twenty-first day next after the day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election, which shall have been received or obtained by him as hereinbefore provided for.

Statements to be laid before state board of canvassers.

119. The governor shall attend at Trenton on the twenty-first day next after the day of election, and summon to attend him on that day four or more of the members of the senate, provided said members of the senate shall represent each political party, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for one or more members of the house of representatives, or for electors of president and vice-president, or for governor, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and such members of the senate as shall be summoned shall attend at Trenton on that day for that purpose; they shall meet in the chamber of the senate, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon, and shall constitute a board of state canvassers; and the governor shall be the chairman thereof, and the secretary of state shall be the clerk thereof.

State board of canvassers, how constituted and when to meet.

Their duty.

Who to be chairman and clerk.

120. The chairman of such board shall administer to each member thereof, and each member thereof shall take, an oath or affirmation in the following form:

Oath of members of state board.

“You do swear (or affirm, as the case may be) that you will faithfully and impartially execute the duties of a member of this board according to law;” and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the



chairman thereof an oath or affirmation in the same form as that which shall have been taken by the other members.

In absence of secretary of state a clerk may be appointed.

121. If the secretary of state shall be absent from such meeting at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take, an oath or affirmation in the following form:

Oath of clerk.

“You do swear (or affirm, as the case may be) that you will faithfully execute the duties of clerk of this board.”

Vacancies in state board, how filled.

122. Such board shall consist of at least five persons, including the chairman thereof; and if a number of the members of the senate, who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon as members of such board, as many fit persons, who shall possess the qualifications required for members of the senate, as shall be necessary to complete the number required to constitute such board.

Secretary of state to produce statements before state board.

State board to make and certify statement of result.

123. The secretary of state shall thereupon produce and lay before such board all statements and copies relating to such election which he shall have received or obtained; and such board shall then forthwith proceed to make a statement of the result of such election in the state; which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to each person for any such office or offices, mentioning the office or

offices for which each person shall have been designated, and shall contain the name of each county, the number of names in the poll-books in the counties respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties respectively, and the number of votes given for each person in each county, may be in figures, and such statement shall be certified to be true and correct, by a certificate appended to the same; and the chairman of such board shall sign his name thereto, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman by signing his name thereto; and the statement and certificate appended thereto shall be in a form similar to that hereinbefore prescribed for the board of county canvassers, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated; and thereupon such board shall make a statement of their determination; and such statement shall be certified to be true and correct by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman by signing his name thereto; and the statement of such determination, and the certificate appended thereto, shall be in a form similar to that hereinbefore prescribed for the board of

To determine  
and certify  
who are  
elected.

Statements,  
etc., to be  
filed.

Missing  
statements  
to be  
delivered to  
messengers.

Messengers  
commissioned  
in writing.

Secretary of  
state may be  
summoned to  
produce  
statements.

county canvassers, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election; and both of such statements and certificates shall forthwith be delivered to the secretary of state, who shall file the same in his office.

124. The clerk or member of the board of election of any election district, the clerk or the chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been dispatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the member of the board of election of any election district, or any clerk or other person who shall be in possession of any statement, or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been dispatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officer by whom he shall have been dispatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy; and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have dispatched him.

125. If the secretary of state shall neglect to produce and lay before such board any such statement or copy received or obtained by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear and produce and lay before the board such statement or copy, and thereupon such secretary shall forthwith produce and lay the same before such board.



126. Such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein upon the statements of the result of such election, or the copies of such statements which shall have been made by the board of county canvassers in the several counties, and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any election district of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such district, or the copy of such statement, which shall be laid before such board by the secretary of state as is hereinbefore directed.

Statement of  
result by  
state board,  
how made.

127. The secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected; and shall certify such copies to be true, full and correct, by a certificate appended to each, and shall sign his name thereto and affix thereto the seal of the state, and shall without delay, deliver one of the same to each of the persons who shall be so elected.

Official  
notification  
of election  
by secretary  
of state.

128. All the statements and copies of statements which shall have been produced and laid before such board shall be delivered to the secretary of state, and be by him filed in his office.

All state-  
ments filed  
in office of  
secretary  
of state.

129. The proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member shall dissent from such decision, and shall desire to protect himself against any consequences which may result therefrom, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Proceedings  
of state board  
to be public.

Dissent may  
be filed.

Certification  
of election of  
members of  
the house of  
representa-  
tives.

130. In case of an election for one or more members of the house of representatives, the secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto, in the presence of such secretary; and such secretary shall attest the signing of the name by the governor by signing his name thereto, and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the house of representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice-president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto, and shall thereupon affix the seal of the state thereto, and deliver the same, to the president of the college of electors of this state, on the day and at the time and place appointed for the meeting of such college.

Of the  
election of  
presidential  
electors.

### The Electoral College.

Meeting of  
presidential  
electors.

131. The electors of president and vice-president shall convene at the state house at Trenton, on the day appointed by congress for that purpose, at the hour of three o'clock in the afternoon of that day, and constitute an electoral college; and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

Vacancy in  
electoral  
college, how  
filled.

132. When any vacancy shall happen in the college of electors of this state or when any elector shall fail to attend, by the hour of three o'clock in the afternoon of the day fixed by the congress of the United States

for the meeting of the college of electors, at the place of holding such meeting, those of the said electors who shall be assembled at the said hour and place shall immediately after that hour proceed to fill, by a majority of votes, all such vacancies in the electoral college; *provided*, that if the members of the electoral college shall have been nominated and elected as representing different political parties, any vacancy occurring shall be filled by the elector or electors representing the same political party as the absent elector; and if there shall be no elector present representing the same political party as the absent elector, then such vacancy shall be filled by a majority of the electors present, who shall choose some person of the political party which the absent elector represents.

#### Elections to Supply Vacancies.

133. Whenever any vacancy shall happen in the representation of any county in the senate or general assembly, the house in which such vacancy happens shall direct a writ of election for supplying the same, unless such house shall be of the opinion that the services of a person in the office then vacant will not be required during the unexpired period of the legislative year; but if such vacancy happens during the recess of the legislature, or after the annual election, and not less than fifteen days before the commencement of the legislative year (or a shorter time before such commencement, if the board of chosen freeholders make the requirement hereafter mentioned), it shall be the duty of the governor forthwith to issue a writ of election to fill the said vacancy, unless he shall be of opinion that the services of a person in the office then vacant will not be required during the legislative year, or the residue thereof; but the neglect of the governor to issue a writ for filling such vacancy shall not preclude the house in which such vacancy may have happened from causing the same to be filled, if they

Filling of  
vacancies in  
legislature.



judge it advisable; *provided*, that if the board of chosen freeholders of such county shall signify in writing to the governor, in case such vacancy occurs during the recess of the legislature, or after the annual election, and before the commencement of the legislative year, or to such house, when in session, the desire of such board that the vacancy shall be filled, then such house, or the governor, as the case may be, shall forthwith, after such signification, issue such writ.

What constitutes a vacancy in senate or general assembly.

134. If any person who shall be elected a member of the senate or general assembly of this state shall neglect or refuse, for ten days next after the commencement of the session of such house, to take his seat therein, or to send to such house a satisfactory excuse, or shall, during any session of such house, be absent unremittingly for ten days (unless expressly excused by such house from attendance thereon), or shall remove from and cease to be a resident of the state, or of the county for which he may have been elected, his office shall be deemed vacant.

Vacancy in house of representatives, how filled.

135. Whenever any vacancy or vacancies shall happen in the representation of this state in the house of representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall become vacant will expire within two months next after the happening of such vacancy or vacancies.

Nature and form of writ of election to fill vacancy.

136. Every writ of election which shall be issued under the provisions of this act shall be of the nature of a proclamation, and be signed by the governor or by the president of the senate or the speaker of the house of assembly, as the case may be; and shall specify the cause and purpose of such election, the name of the officer in whose office the vacancy has occurred and the day on which such election shall be held, which shall not be less than fifteen days, nor more than forty days, from the date of such writ.

137. Every such writ shall, by the officer issuing the same, be delivered forthwith to the secretary of state, who shall forthwith affix thereto the seal of this state, and file the same in his office; and in case such vacancy or vacancies shall have happened in the representation of any county, in the senate or assembly, he shall make, or cause to be made, a copy of such writ, certify the same to be true and correct under his hand, and cause such copy thus certified to be delivered to the clerk of such county, and in case such vacancy or vacancies shall have happened in the representation of this state in the house of representatives, he shall cause as many copies of such writ to be made as there shall be counties or parts of counties in such vacant congressional district or districts, certify each of the same to be true and correct under his hand, and cause one of such copies to be delivered to the clerk of each of said counties.

Duties of  
secretary of  
state as to  
writ of  
election.

138. The clerk of each of said counties shall, forthwith after the receipt of any such copy, cause the same to be published at least once a week, until the time of such election, in at least four of the newspapers which shall be printed or published in such county; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the senate or assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the house of representatives, such publication shall be made at the expense of this state.

Duty of  
county clerk  
as to writ  
of election.

139. Any vacancy happening in the office of sheriff, coroner, clerk, register or surrogate of any county, shall be supplied at the general election next succeeding the happening thereof, unless such vacancy shall happen within fifteen days next preceding such election, in which case such vacancy shall be supplied at the second succeeding general election.

Vacancy in  
county office,  
how filled.

Special elections, how conducted.

140. Every special election shall be conducted by the same election officers and in the same manner as the general election is or may be conducted; nominations shall be made for the offices to be filled at such special election in the manner herein provided for the nomination for such offices at the general election, and the register used at the election next preceding such special election shall be used thereat, subject to revision and correction in the same manner as is herein provided for the revision and correction of the register at charter or local elections, with such modifications, if any, as to the times of meeting of the registry boards, as the county board of elections may deem necessary.

### Contested Elections for Governor.

Notice of contested election of governor.

141. Any person intending to contest the election of governor, shall, within thirty days next after such election, give notice in writing to the person whose election he intends to contest, stating such intention, and setting forth the facts, charges and specifications upon which he means to rely; which notice shall be delivered to such person, or be left open at his usual place of residence, with a member of the family over the age of fourteen years.

Petition to be delivered to president of senate.

142. The said contestant shall address and cause to be delivered to the president of the senate as soon as that body shall be organized by the election of a president, a petition in writing, setting forth that the said petitioner intends to contest the said election of governor, and the facts, charges and specifications upon which he means to rely, and praying that a joint committee of the two houses of the legislature may be appointed to try the same; which petition shall be accompanied by the affidavit of the petitioner that the facts, matters and things in said petition contained are true, as he verily believes;



and shall be also accompanied by due proof that the notice mentioned in the preceding section has been given as is therein directed.

143. Upon the receipt of such petition, verification and proof, the said president shall immediately give information thereof to both houses of the legislature, who shall, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, convene in the senate chamber, and proceed to appoint such committee.

President of senate to notify both houses of legislature.

144. The president of the senate shall preside at such meeting; the names of the members of each house shall be called over, and thereupon the names of the members of the senate present shall be written on distinct pieces of paper, as nearly similar as may be, and each rolled up and put into a box by the clerk of the assembly, and after being shaken and intermixed, shall be placed on the president's table; and the secretary of the senate shall then draw from the said box the papers so rolled up, and deliver them singly to the speaker of the house of assembly, who shall open and read them aloud as he receives them, and deliver them singly to the president of the senate, who shall place them open on the table; and the clerk of the house shall take down the names as they are so called in writing, until the number of ten names be drawn, when the drawing shall cease; the names of all the members of the house of assembly who are present shall then, in like manner, be written on similar distinct pieces of paper, and each rolled up and put into a box by the secretary of the senate, and after being shaken and intermixed, shall be placed on the president's table; and the clerk of the house shall then draw from the said box the papers so rolled up, and deliver them singly to the president of the senate, who shall open and read them aloud as he receives them, and deliver them singly to the speaker of the house, who shall place them open on the table, and the secretary of

Selection of names for joint committee.

the senate shall take down the names as they are so called, in writing, until the number of twenty-nine names shall be drawn, when the drawing shall cease.

Process of  
perfecting  
joint  
committee.

145. When the names of ten members of the senate and twenty-nine members of the house of assembly shall have been so drawn, a list of the members so selected shall be given to each of the parties, or their counsel, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, the contestant striking first, until the number shall be reduced to four members of the senate and nine members of the house of assembly; and within one hour from the time of so withdrawing, shall deliver to the president of the senate the names of the said thirteen members remaining on the list, who shall constitute a committee to try the matter in controversy, and shall respectively take an oath or affirmation, to be administered by the president of the senate, to try the matter of the petition, and to give true judgment thereon according to evidence; and the time and place for the meeting of the select committee so appointed shall then be directed by the joint vote of the members of both houses, which shall be within twenty-four hours of the appointment.

Oath.

Balance of  
names drawn  
and mistakes  
corrected.

146. As soon as the list shall have been delivered to the parties aforesaid, the clerk of the house of assembly shall proceed to draw out, one by one, the names of the remaining members of the senate and deliver them singly to the speaker of the house, who shall unfold and read them aloud; and then the secretary of the senate shall in like manner draw out the names of the remaining members of the house of assembly and deliver them singly to the president of the senate, who shall unfold and read them aloud; and if any unfairness or mistake shall be discovered therein, then the whole proceeding

shall be set aside, and the business be renewed in manner and form as in hereinbefore directed.

147. The committee so chosen shall, on their first meeting, elect a chairman from among themselves, and some competent person as clerk, and in case of the sickness, death, resignation or inability to act of either, may choose another in his place; and in case of the refusal or inability of any member of the committee so chosen to act, the committee shall, by a majority of votes, fill such vacancy by choosing a member to supply his place, if he be a senator, from the senate; if a member of the assembly, from the house of assembly; *provided*, that no member who was stricken from the list of names drawn shall be eligible to be chosen; *and provided*, that such vacancy shall be filled before the committee shall have entered upon the hearing of the case.

Organization  
of committee.

148. The said committee shall sit from day to day, Sundays excepted, and attend exclusively to the business before them until they shall have finally decided the case.

Sessions  
continued  
from day  
to day.

149. The said committee shall have power to send for persons, papers and records, to examine all witnesses who may come before them, upon oath or affirmation, to be administered by the chairman; and any person guilty of taking a false oath or affirmation before them, or of procuring another to do so, shall, upon conviction, be liable to the same punishment as persons convicted of perjury are liable to by law; the committee may require the production of ballot-boxes with their contents, and may examine and recount, if necessary, the ballots cast in any district or districts.

Power of  
committee.

150. All determinations of the said committee shall be by a majority of votes; as soon as the said committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, and who, if anyone, is duly elected to the said office of governor, the chairman shall make two reports thereof in writing, one of which he shall deliver to the president of

Determina-  
tion of  
committee to  
be recorded  
on journal of  
senate and  
house.



the senate and the other to the speaker of the house of assembly which reports shall be entered on the journal of the respective houses, and shall be final and conclusive, and the person adjudged to be elected shall be entitled to the office; and if no one shall be adjudged to be elected, then the office shall be declared vacant.

Proceedings  
public.

151. The proceedings of the committee shall be conducted publicly; the parties shall be at liberty to appear before them in person, or by counsel, and examine and cross-examine the witnesses produced, and be heard upon the questions that arise in the case.

Witness fees,  
clerk's com-  
pensation,  
expenses.

152. Witnesses attending by order of the committee shall have the same fees as are allowed at law; the clerk of the committee shall be allowed compensation at the rate of ten dollars per diem, but no fees; and all expenses incurred shall be taxed by the committee and paid by the treasurer on the certificate of the chairman.

### Contested Elections for Members of the Legislature and Congress.

Notice of  
contest of  
election of  
legislator or  
congressman.

153. If any person shall intend to contest the right of any person who shall have been declared to be duly elected a member of the senate, a member of the general assembly or a member of the house of representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person intending shall, within thirty days next after the day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest; which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years, and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

154. The judges of the court of common pleas, the commissioners to take bail and affidavits in the supreme court, and the masters in chancery, respectively, shall have power, and are hereby required at any time, on application to them by any person who shall intend to contest the right to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no officer shall issue any such subpoena or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Who may take testimony and issue subpoenas for witnesses.

Time and place to be fixed for examining witnesses.

155. When such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice of contest of such election hereinbefore mentioned is directed to be given.

Notice of time and place for examination to be given.

156. At the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person unless he shall be satisfied that such notice has been given, as is hereinbefore directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice;

Depositions, how taken.

and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is hereinbefore directed.

Depositions,  
how disposed  
of.

157. The officer who shall take any such deposition or depositions shall certify the same under his hand and shall inclose, seal up and transmit or deliver the same, in case the intended contest shall relate to a seat in the senate, to the president of that body; in case it shall relate to a seat in the general assembly, then to the speaker of that body, and in case it shall relate to a seat in the house of representatives of the United States, then to the speaker of that body.

Penalty for  
not obeying  
subpœna.

158. It shall be the duty of every person upon whom a subpœna, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpœna, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpœna shall have been issued; *provided*, that no person shall in any case be required to attend any such examination as a witness out of the county in which he resides; and if any person duly subpœnaed as aforesaid shall neglect or refuse to obey the command of such subpœna, it shall be lawful for any justice of the supreme court or judge of the court of common pleas, on due proof by affidavit of the service of a subpœna on such witness, and of the payment of his legal fees, and of his refusal or neglect to obey the command of said subpœna as aforesaid, to issue an attachment against such person to bring him before said justice or judge; and the said justice or judge shall have power to proceed against said witness as for a contempt of said court.

Proceedings  
on attach-  
ment for  
contempt.



### Recount of Votes.

159. Whenever any candidate at any election shall have reason to believe that an error has been made by any board of elections or of canvassers in counting the vote or declaring the vote of such election, or whenever any citizen shall have reason to believe that an error has been made by any board of elections or of canvassers in counting the vote or declaring the result of any election upon any referendum or question submitted to the electors, whereby the result of such election has been changed, such candidate or such citizen may, within ten days after such election, apply to any Justice of the Supreme Court, who shall be authorized to order and cause, upon such terms as he may deem proper, a recount of the whole or such part of the votes as he may determine, to be publicly made under his direction by the county board of elections, after due notice by such candidate to the parties interested of the time and place of such recount; and, if it shall appear upon such recount that an error has been made sufficient to change the result of such election, then such Justice in case of candidates shall revoke the certificates of election already issued to any person, and shall issue in its place another certificate in favor of the party who shall be found to have received a majority of the votes cast at such election; and in case of referendums or questions shall make a certificate that the result of such election be corrected; which certificates shall supersede all others and entitle the holder thereof to the same rights and privileges as if said certificates had been originally issued by the canvassing board; said Justice shall have power to decide all disputed questions which the board shall fail to decide by a majority vote thereof. (a)

Candidates  
may apply  
for recount.

[Amended,  
P. L. 1909,  
p. 41.]

If error  
change result,  
justice to  
revoke  
certificate  
and issue  
new one.

In case of  
referendum.

(a) Application was made to Justice Dixon for a recount of ballots cast in Passaic county for sheriff. At the time of the application John W. Sturr

Application.

159b. The foregoing provisions shall apply to **any** election held upon any referendum or question at the last general election; *provided*, application shall be made for such recount within thirty days after the passage of this act.

Proviso.  
New certificate to be filed and certified, copies made, etc.

160. Whenever any such certificate shall be issued by any justice of the supreme court, the same shall be filed with the clerk of the county or municipality in and for which such election was held; and such clerk shall make and certify, under his hand and official seal, a copy thereof, and shall without delay deliver such copy to the person who shall be so declared elected; and in case of an election for senator, members of the assembly or any county officers, the county clerk shall within five days thereafter transmit to the secretary of state at Trenton another copy of such certificate, signed by him and attested by his official seal.

Expenses of recount, how provided for.

161. Any applicant for such recount upon applying therefor shall deposit with the county clerk such sum as such justice shall order as security for the payment of the expenses of such recount, or if such justice shall so order, shall file with the county clerk a bond to the incumbent, with two or more sureties, to be approved by such justice, in such sum as he may require, conditioned to pay all costs and expenses in case the original count be confirmed, or the result of such recount is not sufficient to change the result; the said justice shall fix and determine the amount of compensation to be paid for making such recount of the ballots, and the costs

had been declared elected, and had received his commission from the Governor. Justice Dixon held that it was too late to order a recount; that the certificate of election issued by the board of election had been superseded by the Governor's commission, and that while, under the authority of the above section, a justice of the supreme court may, in a proper case, revoke a certificate of election, that power can be exercised only before the certificate of election becomes thus superseded. See *New Jersey Law Journal*, January, 1901, p. 411. Under the 159th section, reason to believe that an error sufficient to change the result of the election has been made, and probable grounds of such belief are all that are necessary to give jurisdiction to the justice. *In re Election of Register of Essex County*, 12 *New Jersey Law Journal* 271.

and expenses thereof; and if it shall appear that an error sufficient to change the result has been made, then the expenses of such recount shall be paid by the county or municipality in and for which such election was held, upon the warrant of said justice, the same as other election expenses are paid; but if no error shall appear sufficient to change such result, then the expenses of such recount shall be paid by the party making the application.

### Contested Elections for County, Township, City or Other Municipal Offices.

162. The several circuit courts of this state shall have jurisdiction to hear and determine all cases in which the election of any officer or officers of any county, city, borough, village, township or other municipality may be contested, and for that purpose the said courts shall always be open; such contest shall be commenced by filing a petition therefor within thirty days after any such election shall be held. (a)

Jurisdiction  
in contested  
election  
cases for  
county and  
municipal  
offices.

(a) Section 162, giving jurisdiction to circuit courts to hear and determine contested elections, does not repeal a city charter provision that the city council shall be the sole judge of the election, returns and qualifications of its own members. *Henry v. Camden*, 13 *Vroom* 335. But see *In re The Recount of the Thirteenth Ward Votes of Newark*, 15 *New Jersey Law Journal* 10. The power of revision given to circuit courts by this section can be exercised only with reference to the grounds of contest enumerated in the act. In such procedure the constitutionality of the law cannot be adjudged. *Billingham v. Mount*, 14 *Vroom* 470. Section 162 confers upon the circuit court jurisdiction in cases of contested elections for city officers. *McCoy v. Boyle*, 22 *Vroom* 53. Justices of the peace are county officers within the meaning of this section. *Gage v. Clark*, 22 *Vroom* 97. The provision in section 162 and the following sections relating to the trial before the circuit courts of contested election cases, is not unconstitutional. Such trials are conclusive only for the time being, and do not prevent a retrial on *quo warranto*. The act does not give the right to a trial by jury. *Conger v. Convery*, 23 *Vroom* 417, 444. As to the admission in evidence of the ballot-box and its contents, and the admission of the testimony of an expert on the workings of a ballot-box, see *Convery v. Conger*, 24 *Vroom* 469, 658 and 663. In the petition presented under sections 162 to 177, the particular circumstances of the case must be set forth in such manner as will enable the court to see that the case is within the statute and will enable the incumbent properly to prepare for his defence. It is not enough to show that illegal votes were received in greater number than the plurality



Grounds of  
contest.

163. Such election may be contested upon one or more of the following grounds, viz.:

Fraud, etc.

I. Malconduct, fraud or corruption on the part of the members of the board of election in any election district, or of any members of the board of county canvassers, sufficient to change the result;

Ineligibility.

II. When the incumbent was not eligible to the office at the time of the election;

Conviction  
of certain  
crimes.

III. When the incumbent had been duly convicted

returned for the incumbent; there must also be shown circumstances rendering probable, *prima facie*, a conclusion that these illegal votes were cast for the incumbent. *Lehlbach v. Haynes*, 25 *Vroom* 77; and see, also, *Lippincott v. Felton*, 32 *Vr.* 291. A petition for a recount of an election for fraud in one district will not authorize the court to try the question of fraud in another district. If the answer sets up new matter constituting a distinct charge to be investigated by the court, it must be in writing, in detail, and under oath. The petition must be under oath and in detail, and must be endorsed (or signed) by fifteen electors, and duly verified. It must give the names of those whose votes were improperly rejected, if known, and if not known, such fact must be alleged. *Burroughs v. Brunning*, 9 *New Jersey Law Journal* 110. There is a difference between the requisites of a petition under section 159 *ante* and section 162 above. Under section 159, reason to believe, and probable grounds of belief, are all that are necessary to give jurisdiction to the court; under section 162, it is only upon certain specified grounds that relief can be had, which grounds are set forth in section 163. *In re Election of Register of Essex County*, 12 *New Jersey Law Journal* 271. In a contested election case under section 162 and the succeeding sections, the admission by the incumbents of the facts stated generally in the petition is not sufficient basis for a final judgment. The affidavit annexed to the petition must show means of knowledge in the affiant of the facts sworn to, and must state particular facts and not mere belief. The dismissal of one petition is not a bar to the filing of other petitions by the same contestant. *Cleary v. Kendall*, 13 *New Jersey Law Journal* 134. See, also, *Cleary v. Kendall*, 24 *Vr.* 130. The oath or affirmation required by section 166 should be made by persons cognizant of the particular circumstances alleged in the petition, and should attest the truth of those allegations. *Johnson v. Allen*, 26 *Vr.* 400. A judgment of the supreme court rendered on an appeal taken to the supreme court from the judgment of any circuit court in a contested election case, cannot be reviewed by the court of errors and appeals on a writ of error. See *General Statutes*, p. 1394, section 24, and *O'Brien v. Benny*, 29 *Vr.* 189. The incumbent is not bound to file any answer to the contestant's petition. *Lippincott v. Felton*, 32 *Vr.* 291. The petition must be verified not only as to the grounds and circumstances of the contest, but also as to the fact that at least fifteen of the petitioners are qualified voters as required by the one hundred and sixty-sixth section. *Smith v. Smith*, 41 *Atl. Rep.* 753. It is not necessary that the petition shall set forth the reason for rejecting ballots by the canvassers, and in the affidavit verifying the petition the particulars of the case need not be set forth. *Hackett v. Mayhew*, 33 *Vr.* 481. At an election for village trustee four of the ballots counted for Ira A. Kip, Jr., read respectively, "Ira A. Kipp," "I. Kip, Jr.," "Ira A. Kip," and "Kipp," and it was held that they were erroneously counted for Ira A. Kip, Jr. *Weeks v. Kip*, 35 *Vr.* 61.

before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent had not been pardoned at the time of the election;

IV. When the incumbent had given or offered to any elector or any member of a board of election; clerk or canvasser, any bribe or reward, in money, property or thing of value, for the purpose of procuring his election; Bribery.

V. When illegal votes have been received, or legal votes rejected at the polls sufficient to change the result; Illegal voting, etc.

VI. For any error in any board of canvassers in counting the votes or declaring the result of the election, if such error would change the result; Error in canvassing.

VII. For any other cause which shows that another was the person legally elected. (a) Other causes.

164. The term "incumbent" in this act means the person whom the canvassers declare elected; but in case of a tie vote either party may contest the election, in which case the term "incumbent" means the person having an equal number of votes with the contestant. Definition of "incumbent."

165. When the misconduct complained of is on the part of the members of the board of election in any election district, it shall not be held sufficient to set aside the election, unless the rejection of the vote of such district would change the result as to that office. Effect of misconduct of board of election.

166. The contestant shall file a petition in writing signed by himself and at least fifteen qualified electors of the county, township or municipality in and for which such election was held, as the case may be, setting forth one or more of the causes specified and the particular circumstances of the case, duly verified by the oaths or affirmations of at least two of said petitioners, which shall be filed with the clerk of said court, together with a bond to the incumbent, with two or more sureties, to be approved by the justice holding such circuit, in the penal Contestant to file petition and bond.

(a) As to the sufficiency of a petition filed under the authority of this clause, see *Groth v. Schlemm*, 23 *New Jersey Law Journal* 238.

sum of five hundred dollars, conditioned to pay all costs in case the election be confirmed, or the petition be dismissed or the prosecution fail.

Contents of  
petition.

167. When the reception of illegal or the rejection of legal voters is alleged as a cause of contest, the names of the persons who so voted, or whose votes were rejected, with the election district where they voted, or offered to vote, shall be set forth in the petition, if known; the court shall appoint a suitable time for hearing such complaint, not more than thirty nor less than fifteen days thereafter; and the contestant shall cause a notice of such trial, with a copy of the contestant's petition, to be served on the incumbent at least ten days before the day set for trial.

Time  
appointed  
for hearing.

Trial at  
appointed  
time unless  
adjourned.

168. The trial shall proceed at the time appointed unless postponed for good cause shown by either party by affidavit, the terms of which postponement shall be in the discretion of the court; *provided*, the court may, for its own necessity or convenience, adjourn to such time, not more than thirty days thereafter, as it may see fit, of which adjournment the parties interested shall take notice.

Proceedings  
as in action  
at law.

169. The proceedings shall be similar to those in an action at law so far as practicable, but shall be under the control and direction of the court, which shall hear and determine the matter without a jury, with power to order any amendments in the petition or proceedings as to form, and to allow adjournments to any time not more than thirty days thereafter for the benefit of either party, on such terms as shall seem reasonable to the court, the grounds for such adjournment being shown by affidavit.

Attendance  
of witnesses  
and produc-  
tion of  
ballots, etc.,  
compulsory.

170. The said court shall have authority and power to compel the attendance of any officer of such election, and of any other person capable of testifying concerning the same, and also to compel the production of all ballot-boxes, books, papers, tally lists, ballots and other documents which may be required at such hearing; the



style, form and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the circuit court in other cases, as far as the nature of the case admits.

171. The court may require any person called as a witness who voted at such election, to answer touching his qualification as a voter, and if the court, from his examination, or otherwise, is satisfied that he was not a qualified voter in the election district where he voted, then the court can compel him to answer for whom he voted; and if the witness answers such questions no part of his testimony on the trial shall be used against him in any criminal proceeding.

Witness  
compelled to  
testify as to  
his qualifica-  
tion to vote,  
etc.

172. The contestant and incumbent shall be liable to the officers and witnesses for the costs made by them, respectively; but if the election be confirmed, or the petition dismissed, or the prosecution fail, judgment shall be rendered against the contestant for costs; and if the judgment be against the incumbent, or the election be set aside, then he shall pay the costs at the discretion of the court; and after the entry of the judgment of the court the costs may be collected by attachment or otherwise.

Liability  
for costs.

173. The court shall pronounce judgment whether the incumbent or any contestant was duly elected, and the person so declared elected will be entitled to his certificate; if the judgment be against the incumbent, and he has already received the certificate of election, the judgment shall annul it; if the court find that no person was duly elected, the judgment shall be that the election be set aside.

Judgment  
given by  
court.

174. When either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the court shall, if the judgment be against the party in possession of the office, and in favor of his antagonist, issue an order to carry into effect its judgment, which order shall be under the seal of the court, and shall command the sheriff of the county to put the

Successful  
party to be  
put into  
possession  
of office.

successful party into possession of the office without delay, and to deliver to him all books, papers and effects belonging to the same.

Appeal may  
be taken to  
supreme  
court.

175. The party against whom judgment is rendered may appeal for error of law only, within twenty days, to the supreme court, (a) but such appeal shall not supersede the execution of the judgment of the court, unless the party so appealing shall become bound to the other party by recognizance, as provided in the thirteenth section of the act entitled "An act respecting writs of error" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four; *provided*, the amount of such recognizance shall be fixed by the judge who presided at the trial, and shall be at least double the probable compensation of such officer for six months.

Appeal  
to have  
precedence  
on calendar.

176. Such appeal shall take precedence over all other causes upon the calendar, and shall be set down for hearing, and determined upon the first day of the term, unless otherwise ordered by the court for its convenience; *provided*, that the appellant shall give ten days' notice of argument, unless the judgment of the circuit court shall not have been given in time to notice such appeal for trial on the first day of the term, in which case the same may be noticed for any other day in the term, and shall have the same precedence on such other day.

If appeal be  
affirmed,  
judgment of  
circuit court  
to be  
enforced.

177. If, upon appeal, the judgment be affirmed, the judge who presided at the trial, or in his absence or inability to act, any justice of the supreme court, shall order the judgment of said circuit court to be enforced, if the party against whom judgment is rendered is in possession of the office; and the proceedings on the recognizance shall be as provided for in other cases in said supreme court.

(a) At a township election fourteen ballots were cast, on which a person had written his own name as a candidate in a blank space under the words "Chosen Freeholder." *Held*, that the question whether these ballots were invalid as marked ballots was one of fact for the circuit court, in proceedings under section 162, and that the decision of that court thereon could not be reviewed on appeal to Supreme Court. *Hackett v. Mayhew*, 33 *Vr.* 481.

### Compensation of Election Officers and Expenses of Election.

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows: in cities having a population exceeding thirty thousand, for each registry day five dollars and for each election day, including the counting of the votes and the delivery of the returns and ballot-box with the contents to the municipal clerk, ten dollars; in all other cities, towns and other municipalities the compensation for such member shall be as follows; for each registry day three dollars, and for the election day, including the counting of the votes and the delivery of the returns and the ballot-box, seven dollars; and for all such services in connection with the general election or any special election held in and for the whole county, such compensation shall be twenty dollars in districts where the number of registered voters is not more than one hundred and fifty, twenty-five dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three hundred, and thirty dollars in districts where the number of registered voters is more than three hundred, the said sum to be paid by the county collector; *provided, however*, that whenever the registration of voters for any local or charter election shall be held at the same time, in the same place and by the same board of registration and election as that for any general or special election in and for the whole county, and whenever any such local or charter election shall be held at the same time, in the same place and by the same board of registration and election as that for any general or special election held in and for the whole county, then and in that case the members of the said board of registration and election shall not be entitled to the compensation first above provided for, but shall only be entitled to

Compensation of election officers in cities exceeding 30,000

Other municipalities.  
[Amended,  
P. L. 1908,  
p. 58.]

Paid by county collector.

Proviso.



the compensation as is provided for in connection with the general election or any special election in and for the whole county; said sum to be paid by the county collector, which is to be in lieu of all other fees and charges whatsoever. [See section 286.]

Compensation to county and municipal clerks.

179. For the duties and services imposed upon and required of them by this act, the county clerks of the several counties and the clerks of the different cities, townships and other municipalities, shall be paid out of the county funds of their respective counties, or the funds of their respective municipalities, as the case may be, a fair and reasonable compensation, to be ascertained and determined, in the cases of the county clerks, by the boards of chosen freeholders of their respective counties, and in case of said municipal clerks, by the governing bodies of their respective cities, townships or municipalities.

Provision for expenses incurred by county and municipal clerks and other officers.

180. All costs, charges and expenses incurred by the county and municipal clerks in carrying out the provisions of this act (except for ballots furnished to individuals as hereinbefore provided), including the charges and expenses incurred for rooms for polling places and fitting up and arranging the same, the compensation of the district boards of registry and election and all other expenses incurred by any officer or person duly authorized in carrying out the provisions of this act, shall be regarded as election expenses and shall be paid in the case of the general election or any special election held in and for the whole county, by the respective counties, and in case of all other elections by the respective municipalities in and for which they are held, in the same manner as other county and municipal expenses are paid; but all bills before being paid shall be itemized and verified by the oath of the claimant and audited and approved by the clerk of the county, township, city or municipality who contracted the bill charged for; *provided*, that nothing herein contained

[Amended, P. L. 1910, p. 474.]

Proviso.

shall be construed as permitting compensation to any election agent or challenger; and the board of freeholders in each county shall include in their annual tax levy a sum sufficient to pay all the election expenses, and a reasonable compensation for the services of the county board of elections, the amount of which shall be determined by the board of chosen freeholders; *provided, also*, that the member of said county board of elections who shall be the secretary thereof, may receive an additional compensation not exceeding one-third of the compensation of the individual members of said board, except in counties of the first class, where there shall be a clerk of said board who shall receive such compensation as shall be fixed by said board of freeholders; *provided*, that the expense of the advertising and publication prescribed by section seven of this act shall be chargeable to and paid by the respective townships, cities or other municipalities whose clerks shall cause the prescribed advertising and publication, and the board or body having charge of the finances of the respective townships, cities or other municipalities shall include in their annual tax levy a sum sufficient to pay the expense of said prescribed advertising and publication.

Proviso.

Proviso.

### Congressional Districts.

181. [This section is wholly superseded by P. L. 1901, p. 94, contained in section 252 *post*.]

182. Each of said districts shall elect one person to represent this state in the house of representatives of the United States, which election shall be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and ninety-eight, and on the Tuesday next after the first Monday in November in each second year thereafter.

Election of  
representa-  
tives.

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### Miscellaneous.

Qualifications  
of representa-  
tives and  
presidential  
electors.

183. No person shall be elected a member of the house of representatives, or an elector of president and vice-president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the house of representatives of the United States.

What offices  
are incom-  
patible.

184. No person shall hold at the same time more than one of the following offices: Elector of president and vice-president of the United States, member of the house of representatives of the United States, member of the senate or of the general assembly of this state, county clerk, register, surrogate, sheriff or coroner; and if any person who shall have been elected or appointed to any such office shall, during the term for which he shall have been elected or appointed, be elected or appointed to another of such offices, and shall accept the same, such acceptance shall be deemed to make vacant the office to which he shall have been previously elected or appointed; and if any person shall, at any election, be elected to two or more of such offices, he shall accept but one of the same, and the other or others shall be deemed vacant.

Who are  
intended  
by "legal  
voters" in  
questions  
submitted  
for decision.

185. When by the provisions of any statute the decision of any question has been or shall be submitted to the decision of a majority of the legal voters of this state or of any subdivision thereof; or when the approval of a majority of the legal voters of this state or of any subdivision thereof is required in any statute before such statute takes effect or before any prescribed action or proceeding under such statute shall be valid and lawful, it is hereby declared that the intent and meaning in any such statute of the words "legal voters" are persons entitled to vote, and who do vote, at the time and in the manner prescribed in and by such statute upon



the question or proposition submitted; and that for the purpose of ascertaining what is a majority of the legal voters of any district defined in such statute, upon the proposition therein directed to be submitted, the persons who do not vote at such election shall not be estimated, counted or considered for the purpose of ascertaining what is a majority of the legal voters in such district, with respect to the proposition submitted; such votes shall be estimated and canvassed, and the result thereof determined by the several boards of election and boards of canvassers in the same manner as the results of other elections are estimated, canvassed and determined.

186. The board of election in each election district, the board of county canvassers in each county, and the board of state canvassers shall, respectively, possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions respectively; and if any person shall refuse to obey the lawful command of any such board, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may by an order in writing, signed by the chairman and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding three days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered; or if a sheriff or constable shall not be present or shall refuse to act, by any other person who shall be deputed by such board in writing, and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Police power  
of state,  
county and  
district  
boards.

187. No person shall make, lay or deposit any bet, wager or stake, to be decided by the result of any election, by the election or defeat of one or more persons at any election, or by any contingency connected with or growing out of any election; and all contracts for or on

Betting, etc.,  
unlawful.

account of any money, property or thing in action so bet, wagered or staked shall be void; and any person who shall pay, deliver or deposit any money, property or thing in action upon the event of any bet, wager or stake prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager or stake shall have been lost.

### Crimes and Penalties.

188. If any person shall be guilty of willful and corrupt false swearing or affirming, or by any means shall willfully and corruptly suborn or procure any person to swear or affirm falsely, in taking any oath, affirmation or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding eight hundred dollars or imprisonment at hard labor not exceeding seven years, or both, at the discretion of the court, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as he shall have been pardoned.

Illegal  
actions of  
county clerk  
and secretary  
of state, how  
punished.

189. If the clerk of any county shall willfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of county canvassers, or if the chairman or clerk of any

such board shall willfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall willfully and corruptly refuse or omit to certify, sign or attest any such certificate which he is by this act required to certify, sign or attest, or if any secretary of state or clerk of the board of state canvassers shall willfully and knowingly certify, sign or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall willfully and corruptly suppress, destroy, mutilate, change or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any term not exceeding seven years, or both.

190. If any person shall rob or plunder any ballot-box, or unlawfully and by stealth or violence take the same or remove therefrom any ballot, envelope or other paper, or exchange, alter or destroy any ballot or envelope, or other paper contained therein, or if any person other than the clerk of any county or the secretary of state, shall willfully and corruptly suppress, withhold, mutilate, destroy, alter or change any return, statement or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been entrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers and abettors, shall be deemed and taken

Penalty for  
robbing  
ballot-boxes,  
etc.



to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment at hard labor for any term not exceeding two years, or both.

Penalty for  
unlawful acts  
by members  
of district  
boards.

191. If any member of any district board of registry and election shall at any election knowingly and willfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall willfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change or alter any such statement or certificate, or any copy thereof made in pursuance of this act, or shall knowingly and willfully make any false or untrue entry in any poll-book, or shall, in canvassing and estimating the votes received at any such election, willfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark when he is by this act required so to do, or shall corruptly and without sufficient excuse omit or refuse to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be delivered or transmitted to such clerk, every person so offending, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both.

Penalty for  
selling  
liquor on  
election day

192. In addition to the penalties provided by law for the unlawful sale or offer to sell or exposure for sale of any spirituous, vinous, malt or intoxicating liquors on any election day, every person so offending, for every offense, shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in an action of debt in any court having jurisdiction of that amount, by any

citizen of this state, resident in the county where such offense shall be committed, one-half of which penalty shall, when collected, be paid to the county collector of said county where said offense is committed for the benefit of said county, and the other half to the person who shall prosecute for the same.

193. Spirituous, vinous, malt or intoxicating liquors shall not be brought by any person into the polling place on the day of election, or on any day of registry during the hours that the election or registration is in progress, nor during the counting or canvassing of the votes; any violation of the provisions of this section shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars or imprisonment not exceeding two months, or both.

Penalty for  
having  
liquor in  
polling place.

194. It shall be the duty of all sheriffs, under-sheriffs, police officers and constables, on any election day, during the hours of election, to arrest without warrant all persons who shall be found by them in the actual violation of any law prohibiting the sale, or offer to sell or exposure for sale, of any spirituous, vinous, malt or intoxicating liquors on any election day, and take such person when arrested before some recorder, police justice or justice of the peace of the county in which such arrest shall be made, to be dealt with by him according to law; and it shall be the further duty of such sheriffs, under-sheriffs, police officers and constables, to effectually close up all places where they shall have good reason to believe any spirituous, vinous or malt liquors, ale, beer or cider, are being sold or offered or exposed for sale or given away, and keep the same effectually closed up till after such election.

Duty of peace  
officers re-  
garding sale  
of liquor on  
election day.

195. No person shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination or petition, or any part thereof, or file, or receive for filing, any certificate of nomination or petition, knowing the same or any part thereof to be

Penalty for  
destroying  
certificate of  
nomination,  
etc.



falsely made, or suppress any certificate of nomination or petition which has been duly filed, or any part thereof, or forge or falsely make the official indorsement of any ballot or official envelope; every person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not more than five years.

Penalty for  
hindering  
voters,  
destroying  
ballots, etc.

196. No person shall, during the election, with intent to hinder or delay said election, or to hinder or delay any voter in the preparation of his ballot, remove or destroy any of the ballots or pencils placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, nor on any pretext carry any official envelope from the polling-room during the election; any person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding five hundred dollars and imprisonment until such fine and the costs of the conviction are paid.

Penalty for  
neglect of  
duty by any  
officer.

197. Every public officer upon whom any duty is imposed by this act who wilfully or negligently violates his said duty, or who neglects or willfully omits to perform the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for a term of not more than three years, or by a fine of not more than three thousand dollars, or both such fine and imprisonment; any person charged with the care of official ballots or envelopes under this act, who shall willfully destroy them or either of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in state prison for not more than five years; any person who has undertaken to deliver official ballots and envelopes to the clerk of any city, township or municipality, and willfully or negligently neglects or refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be



punished by imprisonment in the county jail for not more than one year.

198. No person shall, within the polling-room, show his ballot after it is prepared for voting to any person in such a way as to reveal the contents, nor shall any person within the polling-place or within a hundred feet thereof solicit the voter to show the same; no voter, at any election where official ballots are used, shall knowingly vote or offer to vote any ballot except an official ballot inclosed in an official envelope, as by this act required, nor shall any voter at any election where official ballots are not used, vote or offer to vote any ballot except the same be inclosed in an official envelope; any person violating any of the foregoing provisions of this section shall incur a penalty of twenty-five dollars for each offense, to be recovered by action of tort, before any court of competent jurisdiction, by any person who bona fide shall first bring suit therefor; no voter shall place or permit to be placed any mark upon the face or back of his ballot or official envelope by which the ballot or envelope may afterwards be identified by any other person as the one voted by him; whoever shall violate this last-mentioned provision of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court.

Penalty upon voter for revealing contents of his ballot.

For not using official ballots or envelopes.

For marking ballot or envelope by voter.

199. If any printer employed by any county or municipal clerk to print the official ballots and envelopes, or either or any of them, for such clerk, or any person engaged in printing the same, shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots or envelopes by any other person than such county or municipal clerk or his duly authorized agent, or shall print or cause to be printed any official ballot or envelope in any other form than that prescribed by such county or municipal clerk, or with any other

Penalty for violation of duty by printer.

names thereon, or with the names spelled or the names or printing thereon arranged in any other way than that authorized and directed by this act, such person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding five years, at the discretion of the court.

Penalty for  
marking  
ballots or  
envelopes

200. If any person shall write, paste or otherwise place upon any official ballot or envelope any mark, sign or device of any kind as a distinguishing mark whereby to indicate to any member of any election board or other person how any voter has voted at any election, or if any person shall induce or attempt to induce any voter to write, paste or otherwise place on his ballot or envelope any mark, sign or device of any kind, as a distinguishing mark by which to indicate to any member of any election board or other person how such voter has voted, or shall enter into or attempt to form any agreement or conspiracy with any other person to induce or attempt to induce voters or any voter to so place any distinguishing mark, sign or device on his ballot or envelope, whether or not said act be committed or attempted to be committed, such person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court.

Penalty if  
member of  
board reveals  
how any  
person has  
voted.

201. If any member of any board of election have knowledge how any person has voted and shall reveal such knowledge to any other person, or shall fraudulently or corruptly disclose what other candidates were voted for on any ballot bearing a name not printed thereon, or fraudulently or corruptly give any information concerning the appearance of any ballot or envelope voted, such person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished

by a fine not exceeding two thousand dollars or imprisonment not exceeding five years.

202. If any person shall, directly or indirectly, by himself or by any other person in his behalf, give, lend or agree to give or lend, or shall offer, promise or promise to procure, or endeavor to procure, any money or other valuable consideration or thing to or for any voter, or to or for any person, in order to induce any voter to vote or refrain from registering for any election, or shall corruptly do or commit any of the acts in this section mentioned on account of any such voter having voted or refrained from voting at an election, or registered or refrained from registering at an election, such person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine and imprisonment, or both, at the discretion of the court, the fine not to exceed two thousand dollars, and the imprisonment not to exceed five years.

Penalty for inducing person to vote or refrain from registering by promise of reward.

203. Any person who shall directly or indirectly, by himself or by any other person in his behalf, give or procure, or agree to give or procure or offer or promise to procure, or endeavor to procure any office, place or employment to or for any voter, or to or for any person on behalf of such voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or to register or refrain from registering, or shall corruptly do any act as aforesaid on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding two thousand dollars, or imprisonment not exceeding five years, at the discretion of the court.

Penalty for promise of employment etc., to a voter.

204. Any person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing to any other person, or to the use of any other person, with the intent that such money or other

Penalty for giving or causing to be given any valuable thing as a bribe.



valuable thing, or any part thereof, shall be expended, or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay, or cause to be paid, any money to any person wholly or in part expended in bribery of voters at any election, shall be guilty of a misdemeanor, and, on conviction thereof, shall pay such fine, not exceeding two thousand dollars, or undergo such imprisonment, not exceeding ten years, as the court in its discretion may impose.

Penalty for agreeing to receive money, employment, etc.

205. Any voter who shall directly or indirectly, by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding one thousand dollars, or imprisonment for not longer than one year, at the discretion of the court.

Penalty for influencing an employe by threat, etc.

206. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm, or loss against any person or persons in his employ, in order to induce or compel such employe or employes to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employe or employes having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, con-

trivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and, being thereof convicted, shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

207. If any person shall on election day obstruct the entrance to any polling-place, or shall obstruct or interfere with any voter, or do any electioneering within any polling place, or publicly within one hundred feet of any polling place, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding fifty dollars.

Penalty for obstructing polling place.

208. Any person not authorized by the proper officers who shall print or make any envelope of a like character and with the names and words contained on the official envelope provided for in this act, or any person who shall on or prior to election day have in his possession an official envelope or an envelope made in imitation thereof, without being such person as is authorized by this act to have charge or possession thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding one year.

Penalty for unlawful printing of ballots.

209. Any person who shall remove, destroy or mutilate any registry list or copy thereof, or who shall before such election closes, remove, destroy or mutilate any list of voters posted in accordance with this act, shall be guilty of a misdemeanor, and shall be punished, on conviction thereof, by a fine of not more than one thousand dollars or imprisonment for not more than two years.

Penalty for removing registry list, etc.

210. Any person who solicits from a candidate for any elective office any money or other property, or who

Penalty for soliciting money, etc., from candidates.

seeks to induce such candidate to purchase any ticket, card or other evidence of admission to any ball, picnic, fair or entertainment of any kind, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a period not exceeding six months, or both; *provided, however*, this act shall not apply to a request for a contribution by an authorized representative of the political party, organization or association of which such candidate is a member or by which he is nominated.

Investigation of probable cause that this act has been violated.

211. If proof be made before any justice of the peace, recorder or police justice of facts constituting probable cause for believing that this act has been violated, and that any person or persons have knowledge of the circumstances connected therewith, it shall be the duty of said justice or recorder to issue process of subpoena for the appearance of such person or persons other than the accused before him, to be examined touching the same *provided*, that the lawful expenses of such subpoena and examination shall be paid by the applicant therefor, and such evidence shall be filed with the clerk of the county, to be used before the grand jury; *and provided further*, that no such process of subpoena shall be issued or served nor any such examination held, on the day of election.

Proviso.

Disfranchisement may be imposed as a penalty.

212. In addition to the penalties provided for violations of any of the provisions of this act, the court imposing such penalties may add thereto that such offender be thenceforth disfranchised as a voter and disqualified to hold any office of trust or profit within this state for such length of time as such court may deem proper; *provided, nevertheless*, that nothing in this act contained shall be held or construed to in anywise absolve or relieve any person or persons from any liability, penalty, prosecution, indictment or punishment, for or on ac-

Proviso.



count of any violation of any law in force at the time of the passage of this act.

213. On the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to incriminate him; but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

On trial of any indictment witness must answer questions deemed proper by the court.

### Primary Meetings.

214. No person not at the time entitled to vote, by the laws of this state, at the special, general and local elections held in this state, shall vote at any primary meeting or caucus called, or held by any political party or political organization of this state for the nomination or selection of persons to be voted for at any such elections, nor shall such person vote unless he is a legal resident of the political division in and for which such primary meeting or caucus is held.

Who may vote at primary elections.

215. If any person not entitled to vote as aforesaid shall vote or offer to vote at any such primary meeting or caucus knowing or having reason to believe himself not entitled to vote as aforesaid, or if any person or persons shall counsel or procure anyone to vote as aforesaid, knowing or having reason to believe such voter not entitled so to vote, or if any person having voted at any primary meeting held by any political party or organization to nominate candidates or to elect delegates to

Penalty for false voting at primary.

nominate candidates, to be voted for at any election, shall vote or offer to vote at the primary meeting held by any other political party or organization held to nominate candidates or to elect delegates to nominate candidates to be voted for at the same election, such person or persons shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall for each offense be punished by imprisonment at hard labor for a term of not more than three months, or by a fine of not more than one hundred dollars, or both, at the option of the court.

216. It is hereby made the duty of the judges, inspectors and clerks or other officers of the primary elections, meetings or caucuses held for the purpose of nominating candidates for state, city and county officers, within the cities of this state, before entering upon the discharge of their duties, severally to take and subscribe to an oath or affirmation in the presence of each other in form as follows, namely:

("I, \_\_\_\_\_, do \_\_\_\_\_ that I will, as judge, inspector or clerk (as the case may be), at the ensuing primary election, impartially and faithfully perform my duties in accordance with the laws of New Jersey, and in accordance with the rules and regulations adopted by the \_\_\_\_\_ party, of the county of \_\_\_\_\_ (as the case may be), for the government of the said primary elections, meetings or caucuses to the best of my judgment and ability.")

The oath or affirmation shall be first administered to the judge by one of the inspectors; then the judge so qualified shall administer the oath or affirmation to the inspectors and clerks, and may administer the oath to any elector offering to vote as to his qualifications to vote at such election.

217. If any judge, inspector, clerk or other officer of a primary election as aforesaid shall presume to act in

such a capacity before taking and subscribing to the oath or affirmation required by this act, or shall willfully disregard or violate the provisions of any rule duly made by the party of which he is a member, and for whom he is acting, for the government of the primary elections of the party, or if any judge or inspector of any primary election as aforesaid shall knowingly reject the vote of any person entitled to vote under the rules of the said party, or shall knowingly receive the vote of any person or persons not qualified as aforesaid, or if any judge, inspector, clerk or any other officer of a primary election, as aforesaid, shall be guilty of any willful fraud in the discharge of his duties, by destroying or defacing ballots, adding ballots to the poll, by false counting, by making false returns, or by any act or thing whatsoever, the person or persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court. (a)

218. If any person shall, directly or indirectly, give, offer or promise to give any sum or sums of money or any valuable thing in action, vituals, drink or preferment or other considerations, by way of fee, reward, gift or gratuity, or other valuable present or reward to obtain, procure or influence the opinion, behavior, vote or abstaining from voting for the election of any delegate to any convention of any political party of this state, to nominate any candidate or candidates for member of the legislature of this state, for any member of congress of the United States, for electors for president and vice-president of the United States, for governor of this state, or for any candidate for any office in any county, city, town, township or borough in this state; or if any per-

Penalty for  
bribery, etc.,  
at election of  
delegates.

(a) This section does not apply to primaries for the selection of delegates to conventions to nominate candidates, but only to primaries held for the purpose of nominating candidates for state, city and county officers. *Woodruff v. State*, 25 N. J. L. J. 316.



son being a delegate to any political convention to nominate candidates for any of the offices named in this act, shall, directly or indirectly, ask for, accept, receive or take any sum or sums of money, or other valuable consideration by way of fee, reward, gift or gratuity, or other valuable consideration for the giving or refusing to give his vote at any such convention, all and every of such persons so offering, asking or receiving the same, in either case aforesaid, shall be deemed and taken to be guilty of misdemeanor, and on conviction thereof shall be punished by a fine or imprisonment, or both, at the discretion of the court; said fine not to exceed five hundred dollars, nor such imprisonment six months.

Penalty for  
bribery at  
election.

219. Whoever shall, directly or indirectly, give, furnish, supply, offer or promise, or procure to be given, furnished, supplied, offered or promised, to any person or persons, any money, service, preferment or valuable thing with the intent that such money or valuable thing, or any other money, service, preferment or valuable thing shall be given, offered, promised or used, by any person or persons, by way of fee, reward, gift or gratuity, for giving or refusing to give any vote or votes of any citizen of this state, at any election of any public officer, state, county or municipal, to be held therein, or of any member of congress of the United States, of electors for president and vice-president of the United States, or at any election of any delegate or delegates to any political convention to be held for the nomination of any of the officers aforesaid, or by way of gift, gratuity or reward, for giving or withholding the vote or votes of any delegate or delegates at any such conventions, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both; such fine not to exceed the sum of ten thousand dollars, and such imprisonment not to exceed the term of one year.

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Of Elections by Soldiers and Sailors Absent from the  
State in Time of War.

220. Whenever in time of war any of the qualified electors of this state shall be in the actual military service of this state, or of the United States, in the army or navy thereof, by the authority of this state, or under a requisition from the president of the United States, and as such shall be absent from the election districts in which they reside, on the days appointed by law for holding any general, special or local election within this state, or within any congressional district, county, city, borough, town, township or municipality therein, such electors shall be entitled, at such times, to exercise the right of suffrage in their several districts in the manner and form hereinafter prescribed.

Right of  
soldiers and  
sailors to  
vote.

221. Such absent elector shall by an instrument in writing, executed by him not more than sixty days previous to any general or special election to be held in this state, authorize and empower any elector of the election district in which the said absent elector shall reside, on the day of said election, to cast for him his vote or ballot, in the manner prescribed in this act, for all officers for whom he would have a right to vote if he were present at such election; said instrument shall be signed by such absent elector, attested by two subscribing witnesses, and sworn (or affirmed) to before any field officer, captain, adjutant or commander of any regiment, company, battalion or detachment, or of any vessel or naval station to which the said absent elector may belong or be attached, and such officers are hereby duly authorized to administer oaths and affirmations for the purposes specified in this act, and they shall attach to their signatures their official designations.

Absent  
elector to  
designate  
certain voter  
to act for  
him.

222. The said absent elector shall make and subscribe an affidavit in the form or of the effect following:

Form of  
affidavit.

"I, A. B., do solemnly swear (or affirm) that I am a citizen of the United States, that I am now of the age of twenty-one years, that I have been (or will have been) a resident of the state of New Jersey for one year, and of the county of ——— for five months next preceding the election to be held on the ——— day of ——— eighteen hundred and ———, and that I am now a resident of the ——— ward of the city (or town) of ——— and that I am (or will be) in all respects qualified to vote in said city (or town) at said election, and until said election intend to be a resident thereof; and I do further swear that I am in the actual military service of the state of New Jersey (or of the United States), in the army (or navy) thereof, and that I am a member of company ——— of the ——— regiment (describing the organization or vessel to which he belongs), now at or near ———, in the state (or territory or country) of ———. Sworn to and subscribed before me this ——— day of ———, anno domini eighteen hundred and ———."

Ballot  
prepared  
and sent to  
designated  
voter.

223. The said absent elector in the service as aforesaid shall prepare and fold the ballot he designs to cast at such election, and inclose the same, together with the instrument hereinbefore described, in an envelope, duly sealed, having on the outside thereof, either written or printed, the affidavit prescribed in the last preceding section of this act, sworn to and subscribed as therein required; the said envelope, prepared as aforesaid, shall be inclosed by him in another envelope, marked "soldier's (or sailor's) vote," sealed and directed to the elector empowered by the aforesaid instrument to cast the ballot of said absent elector, and the said absent elector may then transmit the same to the person to whom it is directed by mail or otherwise.

Contents of  
instrument.

224. The aforesaid instrument shall be in the words or of the effect following, namely:



"I, A. B., a resident and elector of the (——— ward of the city (or township), or as the case may be) of ———, in the county of ———, in the state of New Jersey, but absent from my election district in the military service of the state of New Jersey (or of the United States) and now at ———, in the state of ———, in company ———, of the ——— regiment of ———, under the command of ———, do hereby authorize, empower and direct C. D., of the election district above mentioned, to cast for me the ballot herewith inclosed at the election, to be held in said election district, on the ——— day of ———, anno domini eighteen hundred ———, in the manner provided by the laws of the state of New Jersey,"

225. The elector to whom such letter shall be directed may open the outer envelope thereof, but he shall not open the inner envelope; on the day of such election, and between the opening and the closing of the polls thereof he shall deliver such inner envelope to the board of election of the proper election district, and at the polls thereof, and if the person whose name shall be signed to the affidavit on the outside of said envelope shall be determined by the said board of election to be a duly-qualified voter in such election district, said envelope shall be by the said board publicly opened, and the vote or ballot therein contained shall be duly deposited in the ballot-box prepared to receive the ballots of voters, and the name of such absent elector shall be entered upon the poll-list, together, with the name of the person delivering the ballot at the polls; no envelope containing a soldier's or sailor's ballot shall be opened by the board of election unless the name of the person signing the affidavit on the outside of said envelope shall be found upon the registry list of the district where such person claims to reside, or unless an affidavit be made and subscribed by a voter of the district, to the effect that he knows that said person whose vote is so offered is a resi-

Opening of  
envelope and  
casting of  
ballot.

dent of said district; the ballots contained in any such envelope which shall have been opened or unsealed before the same shall have been delivered to the board of election, shall not be deposited in the ballot-box, but shall be rejected.

All affidavits, etc., preserved.

226. The affidavits and instruments hereinbefore described, and all envelopes marked "soldier's or sailor's" votes, not opened at such elections, shall be kept and filed by the clerk of the election in the same manner and place as poll-lists of such elections are required by law to be filed and kept.

Postmaster to take receipt.

227. Any person who shall be entitled to receive any letter or envelope marked as herein provided, before he shall take away the same, shall sign and deliver to the postmaster or his deputy or clerk, a receipt therefor, which receipt shall specify how many such letters or envelopes he has received, and otherwise, as far as may be specify the particulars of the description thereof; and any willful omission to comply with the provisions of this section shall be adjudged a misdemeanor, and any person convicted thereof shall be punished accordingly.

Oath made when presenting ballot.

228. The person to whom any soldier's or sailor's ballot shall be sent as herein provided, shall at the time of delivering the same to the board of election to be deposited in the ballot-box, also present his oath or affirmation, in writing, setting forth that the ballot or ballots therewith presented have been received by him to deliver to said board of election, and that he has not in any manner changed, altered or opened the said ballot or ballots, or the inner envelopes thereof, and that he believes the same have not been changed, altered or opened by any other person.

Penalty for failure to comply with duties required.

229. Any member of any board of election, and any elector to whom said ballot shall be sent, who shall willfully neglect or refuse to perform any of the duties required of him as aforesaid, or who shall in any manner willfully violate or abuse any trust or duty hereby im-

posed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or both.

230. Every person who shall deliver or present to the board of election under this act, any false, forged, altered or changed ballot, envelope or instrument of any such enlisted elector, provided for by this act, knowing the same to be so altered, forged or changed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor for any period not exceeding two years, or both.

Penalty for  
presentation  
of false  
ballot.

231. Any officer of this state, or of the United States, or any other person, who shall directly or indirectly control, or attempt to control, any such enlisted elector as aforesaid in the exercise of any of his rights under this act, by menace, bribery, fear of punishment, hope of reward, or any other corrupt or arbitrary measure or resort whatever, or to annoy, injure or otherwise punish any such absent elector for the manner in which he may have exercised any such right, shall be deemed guilty of an offense against the government and dignity of this state, which shall be punished as a misdemeanor, and for which he may be indicted and tried at any future time when he may be found within the limits of this state, and upon conviction he shall be punished by a fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both.

Penalty for  
influencing  
enlisted  
voter by  
threat, etc.

232. The secretary of state is hereby authorized and required to prepare and have printed, at the cost of this state, the necessary blank forms and envelopes required to carry out the provisions of this act relative to the voting of enlisted electors; and shall cause the affidavits required by this act to be printed in blank upon the proper envelopes to contain the instrument required by

Secretary  
of state to  
prepare  
necessary  
blanks, etc.



this act; and shall at least one month previous to any general, special or local election cause such blank forms and envelopes, and copies of those sections of this act relating thereto, to be forwarded to the several regiments from this state, in the service of this state or of the United States in the field, and to the several hospitals, posts and naval stations, in sufficient quantity to furnish one copy of each blank form, envelope, and of the sections of this act required to be printed as aforesaid, to each person in actual military service of this state, or of the United States, in the army or navy thereof, from this state, and absent therefrom; *provided, however,* that such absent electors shall have the right to vote as hereinabove provided without being required to use an official ballot or envelope.

Repealer.

233. The act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, and all acts amendatory thereof and supplemental thereto, and all acts and parts of acts, general and special, inconsistent with this act, are hereby repealed, but this repealer shall not revive any act heretofore repealed, and this act shall take effect immediately; *provided,* that the members of any county board of elections and members of any district board of registry and election, in office, shall continue in office until the time or times herein provided for the commencement of the term of office of their successors.

A Supplement to an act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight. Approved April 1, 1902. P. L. 1902, p. 235.

Official  
ballots, etc.,  
required  
in local  
elections  
in towns and  
certain other  
municipali-  
ties.

234. SEC. 1. All the provisions of the act to which this act is a supplement, relating to the nomination of candidates and the use of official ballots and envelopes, shall apply to the charter, local, municipal and special

elections in all of the towns of this state and in all other municipalities of this state however designated or governed having within their territorial limits a population of more than eight thousand inhabitants, according to the last state or federal census, in the same manner and to the like effect as in and by said act the same are made applicable to the charter, local or special elections in the cities of this state, anything in said act to the contrary notwithstanding. (a)

An Act to amend an act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight. Approved April 2, 1902. P. L. 1902, p. 257.

235. SEC. 1. It shall be lawful for any candidate, the certificate of whose nomination, or petition for whose nomination, shall have been filed as required by the act entitled "An act to regulate elections" [Revision of 1898], approved April fourth, one thousand eight hundred and ninety-eight, if such certificate or petition, or any affidavit or affidavits thereto, be defective, to cause such certificate or petition, and the affidavit or affidavits thereto, to be amended in matters of substance or of form as may be necessary, or such amendment or amendments may be made by filing a new or substitute certificate or petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in said amended form; *provided, however*, that every amendment shall be made at least five days before the election.

Correction  
of defective  
certificate or  
petition of  
nomination  
authorized.

Proviso.

236. SEC. 2. This act shall be liberally construed to protect the interest of candidates.

Act, how  
construed.

(a) This act enlarges and supersedes the supplement contained in P. L. 1901, p. 324. See note (a) to section 85 *ante*.

### First Elections in Newly-Created and Newly-Consolidated or Newly-Altered Municipalities.

An Act relating to newly-created municipalities. Approved February 24, 1898. P. L. 1898, p. 28.

[Sections 1 and 2 have no relation to elections.]

First election  
in newly-  
created  
municipality.  
[Amended,  
P. L. 1898,  
p. 395.]

237. SEC. 3. On the filing with the county clerk of a copy of the act of incorporation of such newly-created municipality, certified under the hand and seal of the secretary of state, it shall be the duty of the county board of elections of the county in which such newly-created municipality is located, upon the application of any legal voter in such municipality, to prescribe and define the boundaries of such election districts as may in their opinion be necessary in said municipality and appoint a board of registry and election for each election district, with or without nominations, by the chairmen of the county committees of the political parties within each county; *provided, however*, that such division into election districts shall be made as far as practicable in such manner that no one of said districts shall contain more than six hundred voters, according to the last registry of voters made in the municipality or municipalities out of which the new municipality shall have been created, and that due regard shall be had for the geographical compactness of said districts and the convenience of voters; if the newly-created municipality shall be one that by the general laws governing it is required to be divided into wards, no such division into election districts shall be made until after the lines of such wards have been established and then only with due regard for such ward lines; said county board of election shall also appoint the time, place or places and determine the manner of holding the first election within the newly-created municipality for the election of officers therein and the time or times, place or places and the manner of registering the voters for

Proviso.



such election; *provided*, that in determining the manner of holding said election and making said registration said board shall so far as practicable follow the methods provided by law generally for the conduct of elections for officers in such municipality and the making of the registration therefor; and if official envelopes or official ballots be thought necessary the same shall be furnished by said county board of election and said board shall in doing so perform the duties imposed by law upon the clerk of such municipality in the furnishing of official ballots or envelopes for the election of municipal officers in such municipality; the county board of election shall thereupon cause notice to be given of the boundaries of such election districts as may have been prescribed and defined, the time, place or places and object of such election and of the time or times, place or places and manner of registering the voters therefor, by posting advertisements thereof, signed by the chairman and secretary or clerk of the board, in five of the most public places within each election district in said newly-created municipality, and by publishing the same in at least one newspaper of their selection published in the county and circulating within the said municipality for such period as they shall think necessary; the boards of registry and election so appointed shall prepare the registry and poll-list or lists for said first municipal election from the like lists used in each of the municipalities out of which the new municipality has been created at the last election held therein, and shall add thereto the names of all other qualified voters who shall be shown, by the affidavit in writing of some voter in the election district, to reside therein, whose names are not on said old registry or poll-list; said board or boards shall procure the ballot-boxes or booths or compartments necessary for the holding of such first election, and in the conduct thereof and the estimate and canvass of the votes cast thereat, said board or boards shall in all respects possess the powers and perform the

Proviso.

duties conferred and imposed by the laws of this state upon like boards in the conduct and holding of elections for municipal officers in such municipality, except as may be otherwise directed by the county board of election, and with the further exception that the statement of the result of said first election, duly certified, shall be filed in the office of the clerk of the county within five days after such election; the reasonable cost of the booths or compartments, the preparation of registry or poll-lists, and the conduct and holding of said election as above provided, shall be borne by the newly-created municipality; all of the acts and proceedings of the county board of election under the authority of this act shall be by resolution or resolutions, a copy of which, duly certified under their hands, shall forthwith, after the adoption of the same, be filed in the office of the clerk of the county in which the newly-created municipality is located.

[The remaining sections have no relation to elections.]

An Act concerning the part of the territory of any municipality annexed to any incorporated town, and providing for the election of officers for such annexed territory as a part of the incorporated town to which it may be annexed. Approved April 8, 1903. P. L. 1903, p. 521.

Territory  
annexed to  
town made  
into a ward.

237a. SEC. 1. Whenever a part or portion of the territory of any municipality shall be annexed or consolidated with any incorporated town, pursuant to any special law, it shall be the duty of the common council or other governing body of such incorporated town, forthwith, after such annexation or consolidation shall take effect, to provide, by resolution, for the creation therefrom of a new ward of such incorporated town, and in like manner to establish in such annexed territory one or

more election districts, and it shall be the duty of the proper municipal and election officers of such incorporated town, or of the county wherein such incorporated town is situate, to designate therein one or more polling places and appoint therefor proper election officers, so that the legal voters residing in the annexed territory may participate in all subsequent elections to be held in the said incorporated town for the election of municipal officers.

Election districts to be established.

237*b*. SEC. 2. Immediately after the annexation or consolidation of such territory with such incorporated town and the creation of such new ward, the common council or other governing body of such incorporated town shall, by resolution, fix a time for the holding of a special election in the ward newly created, and thereupon the clerk of such incorporated town shall give ten days' notice of such special election in the ward newly created, in the manner required by law for the advertisement and notice of elections in such incorporated town; and he shall publish with such notice a description of the boundaray lines of the ward of such incorporated town newly created.

First special election, time and notice of.

237*c*. SEC. 3. The said election shall be conducted under the pains and penalties and according to the provisions (so far as the same are applicable thereto) of an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the supplements thereto and acts amendatory thereof; *provided*, that no registration of voters shall be required for such election.

Such election, how conducted.

237*d*. SEC. 4. On the day appointed for such election there shall be elected in said ward newly created and so annexed or consolidated with such incorporated town, as many members of the common council or other governing body of such incorporated town, and as many members of the board of education of such incorporated town, and also one chosen freeholder and such other

What officers to be elected and for what terms.



officers as the law provides to represent the wards of such incorporated town; the members of the common council or other governing body and of the board of education shall be elected to serve, one of each until his successor shall be chosen at the next annual charter election of such incorporated town, another of each until his successor shall be chosen at the second annual charter election of such incorporated town to be held thereafter, and the third of each (if there be a third member of each), until his successor shall be chosen at the third annual charter election of such incorporated town to be held thereafter; and the time for which each of the members of the common council or other governing body and of the board of education of such incorporated town is to be elected to serve, shall be written or printed under his name upon the ballot to be cast; and any ballot which shall not designate such term of service shall be rejected as to such officer or officers.

Township  
offices  
vacated.

237e. SEC. 5. Upon the election of such officers, the offices held by the members of the heretofore existing board of township committee or other governing body of the municipality, from which the territory so annexed or consolidated with such incorporated town was taken, and of the board of education and former election board of such municipality, residing within the territory so annexed or consolidated, shall and the same are hereby declared to be forthwith vacated.

### Municipal Elections in Cities.

An Act relative to the time of election and appointment and terms of office of officers elected or appointed in cities in this state. Approved February 28, 1901. P. L. 1901, p. 41.

Municipal  
election in  
cities to be  
held in  
November.

238. SEC. 1. Hereafter, in all cities in this state, all officers required to be elected therein at any municipal

or charter election shall be voted for and elected on the first Tuesday after the first Monday of November in each year, and with the same registration and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such officers shall be canvassed, and the result of any such election therefor shall be determined as now provided by law in the case of county officers, and certified to the clerk of such city; it being the intention hereby to consolidate the municipal or charter election in cities with the general or state election. (a)

239. SEC. 2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any city, and holding office at the passage of this act, shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided*, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

Terms of  
certain  
elective  
officers  
extended.

240. SEC. 3. Every officer heretofore appointed by the mayor in any city, or appointed or chosen by the common council or other governing body of any city, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided*, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

Terms of  
appointive  
officers  
extended.

Proviso.

(a) This act is not unconstitutional. *Boorum v. Connelly*, 37 Vr. 197.

When terms  
of city officers  
shall begin.

241. SEC. 4. The terms of office of all officers (except justices of the peace) hereafter elected in any city shall commence at twelve o'clock noon on the first day of January next succeeding their election, and continue for the respective terms of years now fixed by law; and the terms of office of all officers hereafter appointed by the mayor of any city, or appointed or chosen by the common council or other governing body of any city, except to fill vacancies, shall commence on the first day of January of the year in which they are appointed, and continue for the respective terms of years now fixed by law, when said term is for a definite period; *provided, however,* that no appointment of any officer shall be made by the mayor of any city for a term of office to commence after the expiration of the term of said mayor, or by the common council or other governing body of any city for a term of office to commence after the expiration of the term of any member of said common council or other governing body.

Vacancies,  
when and  
how filled.

242. SEC. 5. All vacancies in offices in any city of this state arising from or created by any other cause than expiration of term of office, shall be filled for the unexpired term only; vacancies in elective offices shall hereafter be filled at the next general or state election, and not otherwise.

Powers of  
officers.

243. SEC. 6. The powers, duties and authority of every officer whose term of office is extended by this act, are hereby continued in full force and effect for and during the period of such extension.

Officers to  
continue in  
office.

244. SEC. 7. Every officer now or hereafter holding any office covered by the provisions of this act, except justices of the peace, shall continue to hold such office, and to exercise the duties thereof, notwithstanding the time limited for its continuance shall have expired, until his successor has been chosen and qualified, unless sooner removed in the manner provided by law.



245. SEC. 8. All acts and parts of acts, special or general, inconsistent with the provisions of this act, are hereby repealed. Repealer.

A Supplement to an act entitled "An act relative to the time of election and appointment and terms of office of officers elected or appointed in cities of this state," approved February twenty-eighth, one thousand nine hundred and one. Approved April 3, 1902. P. L. 1902, p. 458.

246. SEC. 1. The term of office of every elective officer (except justices of the peace) holding office in any city at the passage of the act to which this is a supplement, which term, prior to the passage of said act, would regularly expire after the first and on or before the seventh day of January in any year, shall be and hereby is limited and abridged so as to expire at twelve o'clock noon on the first day of January of the year in which his term of office would otherwise expire. Terms of  
certain  
elective  
officers  
abridged.

247. SEC. 2. The election of all persons voted for as elective officers of any city, and officially returned as elected after the passage of the act to which this is a supplement, and before the passage of this supplement, to succeed elective officers theretofore elected for terms expiring after the first and on or before the seventh day of January last (except justices of the peace), is hereby ratified and confirmed, and the terms of their predecessors terminated, and all persons so officially returned as elected shall be deemed legally elected and shall continue to hold office for the terms for which they were respectively elected, or intended to be elected as aforesaid, and with the same force and effect as if the terms of their predecessors had in fact expired on the first day of January last. Certain  
elections  
ratified.

248. SEC. 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately. Repealer.

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### Apportionment of Members of General Assembly.

An Act to apportion the members of the general assembly among the several counties of this state. Approved March 19, 1901. P. L. 1901, p. 81.

Apportion-  
ment of  
members  
of general  
assembly  
amongst the  
several  
counties.

249. SEC. 1. Hereafter the several counties of this state shall be entitled to elect as members of the general assembly the numbers herein provided:

The county of Atlantic shall be entitled to elect one member;

The county of Bergen shall be entitled to elect two members;

The county of Burlington shall be entitled to elect two members;

The county of Camden shall be entitled to elect three members;

The county of Cape May shall be entitled to elect one member;

The county of Cumberland shall be entitled to elect two members;

The county of Essex shall be entitled to elect eleven members;

The county of Gloucester shall be entitled to elect one member;

The county of Hudson shall be entitled to elect twelve members;

The county of Hunterdon shall be entitled to elect one member;

The county of Mercer shall be entitled to elect three members;

The county of Middlesex shall be entitled to elect three members;

The county of Monmouth shall be entitled to elect three members;

The county of Morris shall be entitled to elect two members;

The county of Ocean shall be entitled to elect one member;

The county of Passaic shall be entitled to elect five members;

The county of Salem shall be entitled to elect one member;

The county of Somerset shall be entitled to elect one member;

The county of Sussex shall be entitled to elect one member;

The county of Union shall be entitled to elect three members;

The county of Warren shall be entitled to elect one member;

250. SEC. 2. In the interpretation of this act all references to counties shall be taken to refer to the counties as they exist at the time of the passage of this act. Interpretation of act.

251. SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealer.

### Congressional Districts.

An Act to divide the state into districts for the purpose of electing members of the house of representatives of the United States, and prescribing the boundaries of such districts. Approved March 19, 1901. P. L. 1901, p. 94.

252. SEC. 1. For the purpose of electing members of the house of representatives of the United States to serve in the fifty-eighth congress, and in each subsequent congress, this state shall be divided into ten districts, as follows, namely: Congressional districts defined.

First. The counties of Camden, Gloucester and Salem shall constitute and be called the first district;

Second. The counties of Cape May, Cumberland, Atlantic and Burlington shall constitute and be called the second district;



Third. The counties of Middlesex, Monmouth and Ocean shall constitute and be called the third district;

Fourth. The counties of Hunterdon, Somerset and Mercer shall constitute and be called the fourth district;

Fifth. The counties of Union, Morris and Warren shall constitute and be called the fifth district;

Sixth. The counties of Bergen, Passaic and Sussex shall constitute and be called the sixth district;

Seventh. The first, fourth, sixth, seventh, eighth, eleventh and fifteenth wards of the city of Newark, and the city of Orange, and the towns of Bloomfield, Montclair and West Orange, and the boroughs of Glen Ridge, Caldwell and North Caldwell, and the townships of Franklin, Belleville, Livingston, Verona and Caldwell, all in the county of Essex, shall constitute and be called the seventh district;

Eighth. The second, third, fifth, ninth, tenth, twelfth, thirteenth and fourteenth wards of the city of Newark, and the city of East Orange, and the town of Irvington, and the borough of Vailsburgh, and the village and township of South Orange, and the townships of Clinton and Millburn, all in the county of Essex, shall constitute and be called the eighth district;

Ninth. The city of Bayonne, the seventh, eighth, ninth, tenth, eleventh and twelfth wards of the city of Jersey City, and all the sixth ward of said city of Jersey City excepting that portion which lies north of the Morris canal and east of Summit avenue, and the towns of Kearny and Harrison, and the borough of East Newark, all in the county of Hudson, shall constitute and be called the ninth district;

Tenth. The first, second, third, fourth and fifth wards of the city of Jersey City, and all that portion of the sixth ward of said city which lies north of the Morris canal and east of Summit avenue, and the city of Hoboken, and the towns of West Hoboken, Union, West New York and Guttenberg, and the townships of North Ber-

gen and Weehawken, and the borough of Secaucus, all in the county of Hudson, shall constitute and be called the tenth district;

In the interpretation of this act all reference to counties, cities, boroughs, townships, wards and other municipal divisions shall be taken to refer to such municipal divisions as they existed on the first day of January, A. D. nineteen hundred and one.

Interpreta-  
tion of act.

253. SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealer.

### Municipal Elections in Certain Villages.

An Act concerning elections in certain villages. Approved March 22, 1901. P. L. 1901, p. 362.

254. SEC. 1. Where any village has been, or may hereafter be, set off from and composed in whole or in part of a portion of the original territory of any township, which township shall retain a separate township government, as such, including thereunder for township purposes the territory comprising said village, such village shall hold its annual election of village officers upon the same day upon which said township shall hold its annual election of township officers, and the term of office of all officers so elected shall commence on the first Monday in May following their election.

Charter  
election in  
certain  
villages,  
when held.

255. SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealer.

### Primary Elections.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight. Approved April 14, 1903. P. L. 1903, p. 603.

256. SEC. 1. In addition to the elections for filling public offices that now are or hereafter may be held

Selection of  
delegates at  
primaries.  
[Amended,  
P. L. 1906,  
p. 503.]

For what  
offices.

If candidate  
in one ward  
or township.

Proviso.

General plan.

Time and  
place.

How con-  
ducted.

under the laws of this State, there shall also be held primary elections for the selection of delegates to conventions of political parties, and for the nomination of candidates for certain public offices, as hereinafter provided; all candidates of political parties for the following offices, to wit: Presidential electors, Governor, members of Congress, members of the General Assembly, members of the State Senate, county clerk, surrogate, register of deeds, sheriff, county supervisor, coroner, mayor and for all elective offices in the State and in the cities, towns or other municipalities in this State to be voted for at the general election for members of Assembly by the voters of more than one ward or township, shall be nominated at conventions composed of delegates chosen at primary elections held pursuant to this act; all candidates of political parties for office to be voted for at the general election for members of Assembly by the voters of a single ward or township shall be nominated directly, without the intervention of delegates or conventions, at primary elections held pursuant to this act; *provided*, that in cases where a single ward or township shall constitute an assembly district candidates for member of the Assembly from such district shall be nominated at conventions composed of delegates chosen at primary elections held pursuant to this act.

257. SEC. 2. The general scheme and purpose of this act shall be as follows: The said primary elections shall hereafter be conducted at public expense; such primary elections for all political parties shall be held at the same time and place; the time shall be the first registry day, as hereinafter fixed, and the places shall be the places of holding the said registry in the fall of each year; and said primary elections shall be conducted by the boards of registry and election in a manner hereinafter provided, from one o'clock until nine o'clock, P. M., and



substantially as general elections for members of Assembly are now conducted, with official ballots, ballot-boxes, registry lists and polling booths. The first registry day in cities having a population exceeding thirty thousand shall be held on the fourth Tuesday of September in each year, except that in each year when a Governor is to be elected said first registry day shall be the second Tuesday in September, and in all election districts outside of cities having a population exceeding thirty thousand, the said boards of registry and election shall sit, for the purposes of this act, as primary election boards on the said second or fourth Tuesday of September. The clerk of the city, town, township, borough or other municipality, as the case may be, shall prepare the primary ballots of all political parties from the petition filed in their respective offices as herein provided. Not less than ten (except as hereinafter provided) voters of any political party may file with the municipal clerk of their municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office, where such nomination is to be made at the primary election, or as a candidate for the position of delegate to a political convention of said party, where the party nomination is to be made by convention, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party. The said municipal clerks shall prepare official ballots for each political party for the said primary elections from the names of the persons so endorsed, arranging them alphabetically, or in groups, as hereinafter provided. The municipal clerk shall also print upon the official ballot, opposite the name of any person endorsed as a candidate for the position of delegate, the name of the person who is the choice of such candidate for nomination at the ensuing convention of his political party, whenever said clerk is requested so to do by said candi-

Registration

Amended,  
P. L. 1909,  
p. 160.Primary  
ballots.Petition for  
candidates.Official ballots  
prepared by  
municipal  
clerks.

Who may  
vote.

Voter to  
prepare his  
ballot.

Challenges.

Voter may  
not vote in  
other box at  
next election.

Party pri-  
mary books.

date, except as hereinafter provided. The ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary elections. At such primary election the voters registered, or who thereupon register for the ensuing general election, shall be qualified to vote at such primary. Each voter shall request the party ticket he desires to vote, and thereupon he shall receive from the board of registry and election an official ballot of said political party, prepared as aforesaid, and no other. The voter shall then retire to the voting booth and there prepare his ballot so as to indicate his choice for the candidates of his party to be there nominated, or his choice for delegates to the political convention of his political party, as the case may be, by erasing all names thereon other than those voted for, and shall then deposit said ballot in the ballot-box of his party, unless challenged, and if challenged, make oath that he is a member of the said political party; that at the last election for members of Assembly at which he voted he voted for a majority of the candidates whose names were printed upon the party ticket of the said party, and intends to support the candidates of the said party at the ensuing election. In the case of any voter voting for the first time in this State the portion of the said oath or affirmation in reference to previous voting shall be dispensed with. Any voter who shall be shown by the primary book hereinafter mentioned to have voted in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. In addition to the registry lists hereinbefore provided, there shall also be kept two books or lists, one for each political party, which shall be called and labeled Republican Primary Book, and Democratic Primary Book, or as the case may be; the

board of registry and elections shall cause the name of each voter at said primary to be written in ink, in the primary book of the party in whose ballot-box his vote is deposited. Each of these primary books shall be signed by the members of the board of registry and elections and delivered by said board to the clerk of the municipality at the time of the delivery of the ballot-boxes; said primary books shall be kept by said clerk until the ensuing primary election, and then delivered by him to the board of registry and elections for use at such ensuing election. At any primary election the members of the board conducting the primary election for each political party shall refuse to receive the vote of any voter offering to vote in the ballot-box of their political party, if the name of such voter appears in the primary book of the other political party as made up at the next previous primary election. The said primary books shall be kept by the municipal clerk subject to public inspection, and any voter whose name appears therein may apply to the judge holding the circuit court for his county, at any time prior to the next primary election to have his name stricken from said book; and said judge shall have power to hear said application in a summary way, at such time and upon such notice to such persons as he may prescribe, and if satisfied that the applying voter's name has been improperly placed on said primary book, said judge may make an order directing the municipal clerk to erase said name from said primary book, and said clerk shall thereupon erase the same.

Voter's name must appear in previous primary book.

Primary books open to inspection.

Its correction.

258. SEC. 3. A political party within the meaning of this act shall be a political party which at the election for members of the general assembly next preceding the holding of any primary election held pursuant to this act polled for members of the general assembly at least five per centum of the total vote cast in the territorial district or division in and for which the nominations are

Political party and convention defined.



made or delegates are chosen; the word "convention" within the meaning of this act shall be a "convention of delegates" or "nominating body of a political party" as defined in section thirty-eight of the act to which this act is a further supplement.

Preparation  
of primary  
ballots.

Petition;  
what it is  
to contain.  
[Amended,  
P. L. 1906,  
p. 505.]

259. SEC. 4. The official primary ballots to be used at all primary elections held pursuant to this act shall be prepared in the following manner, to wit: not less than ten legal voters of this State, who are members of the same political party, and resident in the same election district, may prepare and sign, with their names, residences and post-office addresses, a petition addressed to the clerk of such municipality as may be proper pursuant to the requirements of this act, setting forth that the signers are qualified voters of the election district in which they reside; that they are members of a political party (naming the same), and that at the last election for members of the general assembly preceding the execution of said petition they voted for a majority of the candidates whose names were printed in the first place upon the ticket of such party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, or for the position of delegate or delegates to the ensuing State, congressional, county, assembly, city or town, ward or other convention (as the case may be) of said political party, and that they request the said clerk to print upon the official primary ballot of such political party the name of the person or persons therein mentioned as the candidate or candidates for such nomination, or for the position of delegate or delegates to the said convention, as the case may be, and the names of persons nominated as candidates for office and names of persons nominated for the position of delegates may be contained in the

same petition; said petition shall further state the residence and post-office address of each person so endorsed, and shall certify that the person or persons so endorsed is or are legally qualified under the laws of this State to be nominated, or to act as delegate or delegates, as the case may be; each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiant, legal voters of the said election district as stated in said petition, and belong to the political party named in said petition, and that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in said petition; *provided*, that in any election district where the total number of votes cast for the candidate of any political party for Governor at the then next last preceding gubernatorial election did not exceed twenty-five the number of signers to any petition of endorsement belonging to any said political party need not exceed one; *provided, further*, that the signers to any single petition shall not therein endorse and recommend more persons as candidates for the position of delegate or delegates than are to be chosen at the ensuing primary election in the election district in which the signers to said petition reside, nor shall said signers endorse more persons as candidates for nomination to office than are to be elected in the election district in which such signers reside; said petitions shall be filed with the municipal clerk not less than ten days prior to said primary election.

Further  
statement.

Proviso.

Proviso.

Certificate of  
acceptance to  
accompany  
petition and  
the form  
thereof.

260. SEC. 5. Accompanying said petition each person endorsed therein shall file a certificate, stating that he is

qualified for the office or position of delegate mentioned in said petition; that he consents to stand as a candidate for nomination or for the position of delegate, as the case may be, at the ensuing primary election, and that if nominated, he agrees to accept the nomination, and if chosen a delegate, he agrees to act as such delegate; each of said persons so endorsed for the position of delegate may further, if he so elects, name the person or persons who is or who are his choice for nomination for office at the ensuing political convention, and may request the said clerk to print the name of such person or persons opposite his own name upon the official primary ballot in the column prepared for that purpose, as in this act provided; the name of any person endorsed as aforesaid who shall fail to certify his consent and agreement as aforesaid shall not be printed upon the ballots to be used at such primary election.

City and  
county com-  
mittees  
elected at  
primary  
elections.  
[Amended,  
P. L. 1909,  
p. 159.]

261. SEC. 6. In any county in this State the county or city committee of any political party shall be hereafter elected at the primary elections herein provided for, and the members of such county or city committee shall be elected by election districts at such primary elections in the manner provided in this act for the selection of party candidates to be voted for by the voters of a single ward or township; and the chairman of each county or city committee shall, on or before the first day of July in each year, file with the clerks of the several municipalities the number of committeemen to be elected to such county or city committee in each year, as provided by the constitution or by-laws of such committee.

Ballots  
prepared by  
municipal  
clerk.

262. SEC. 7. The said municipal clerk shall prepare and cause to be printed separate official ballots, one ballot for each political party, members of which have filed petitions as aforesaid, for use at such primary elections, placing thereon the names of the persons endorsed in said petitions; the names of all persons endorsed as aforesaid



by members of a political party, and no others, shall be placed upon the official ballot of that party; the said names shall be arranged upon said ballots in alphabetical order, except that where several candidates for the position of delegate have named the same person or persons as their choice for nomination for office at the ensuing convention, the names of such candidates may be grouped together, being arranged in alphabetical order in such group; upon the right-hand side of the ballot shall be a column, in which shall be printed the words "Choice for \_\_\_\_\_" (Governor, Congress, sheriff, mayor, or as the case may be), in which column, and underneath the words aforesaid, shall be printed the name or names of the person or persons whom any candidate for the position of delegate endorsed in any of said petitions may in his certificate request the municipal clerk to print upon the official primary ballot as his choice for nomination for office at the ensuing political convention; if the names of candidates for the position of delegates are grouped as herein provided, the said names may be bracketed, and the name or names of the persons mentioned as the choice of said candidates at the convention may be placed opposite the bracket; *provided*, that the name of any person shall not be printed in the column headed "Choice for \_\_\_\_\_" opposite the name of any candidate for the position of delegate requesting the same to be so printed, if such person shall file a written protest with the said municipal clerk, requesting said clerk not to print his name opposite the name of the said candidate for the position of delegate. At the head of the ballot of each party shall be printed a distinctive party name or title, as, for example, "Democratic Primary Ticket" or "Republican Primary Ticket"; below, in appropriate places upon said ballots, shall be printed brief instructions to the voter, stating for how many candidates for each office, or for the position of delegate, the voter may vote, and stating

Arrangement  
of names.  
[Amended,  
P. L. 1906,  
p. 507.]

Proviso.

Distinctive  
party name.

Instruction  
to voters.

Number of  
delegates.

that the voter must indicate his choice in each instance by erasing all names printed on said ticket, except the names of the candidates for whom he wishes to vote. The number of delegates to be elected in each election district by the voters of the respective political parties shall be as follows: For State conventions of the respective political parties there shall be one delegate for every two hundred votes cast by the political party for its candidate for Governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over one hundred; for all other conventions of the respective political parties there shall be one delegate for each one hundred votes cast by the political party for its candidate for Governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over forty; *provided*, that each election district shall be entitled to at least one delegate to each convention of each political party; but the delegate to any convention of a political party from any election district which at the then last preceding gubernatorial election cast for the candidate of such party for Governor less than the number of votes required by this section for one delegate, shall have in such convention such vote or fraction thereof as may be determined by the official party call of such party for such convention. It shall be the duty of the chairman of the county committee of each political party to notify the municipal clerk on or before the first day of July of each year of the number of delegates for which the members of the political party represented by the said chairman shall be entitled to vote in each election district in such municipality. In estimating the number of delegates to which any political party is entitled in the primary election, the said chairman shall be governed by the official election returns as filed in the office of the Secretary of State. It shall be lawful for any person who shall object

Proviso.

Notification  
by chairman  
of county  
committee.



to the number of delegates to any political convention from any election district, as so fixed and determined, to make written application, duly verified, to the justice of the Supreme Court holding the Circuit Court in and for the said county, stating the facts of the case and the grounds of such objection, and requesting the said justice to investigate and determine the matter according to law, and if such justice shall be of opinion upon the facts stated that the ends of justice so require, he shall thereupon proceed in a summary way to hear the said application and make such order thereon as may be proper and just, which order of said justice shall be forthwith filed with the said municipal clerk, and such order shall, from the date of the filing thereof, be conclusive upon all parties, and shall, according to its terms, modify, enlarge or set aside whatever decision, if any, may have been made on such matter by said municipal clerk.

Objection to  
number of  
delegates.

Summary  
hearing.

### Democratic Primary Ticket.

263. SEC. 8. Said ballots shall be made up and printed substantially in the following form, to wit:

Form of  
ballot.  
[Amended, P.  
L. 1907, p.  
423.]

Erase in the first column the names of candidates for delegates to conventions and candidates for direct nominations except those for whom you wish to vote. Erase by drawing a single line with a black lead pencil horizontally across the name. Do not make any other mark on the ticket.

Do not erase any names of the choice of such delegates for nominations by conventions which are in the second column.

For Delegates to State  
Convention.

(Vote for two.)

John Doe

Thomas Jones

Henry Stone

Jacob Smith

James Thomas.

Choice for Governor.

Samuel Roe

Frank Potts.



For Delegates to Congressional Convention.

(Vote for three.)

John Abbott

Frank Adams

Charles Gordon

Herman Keller

Stephen Lewis

John Williams

Frank Young.

Choice for Congress.

George Dickinson

George Livingston.

For Delegates to County Convention.

(Vote for two.)

Charles Adams

Thomas Bacon

Patrick Fay

Frank Kane.

Choice for Surrogate.

Charles Irving.

Choice for Sheriff.

Silas Jones.

For Delegates to City Convention.

(Vote for three.)

William Crane

James English

Charles Garrison.

Choice for Mayor.

Thomas Evans.

For Member of Common Council.

(Vote for one.)

Edward Hall

George Jackson

Peter Randall

Choice for Street and Water Commissioner.

August Miller.

etc., etc.,

using so much of said form as may be applicable to the current election and extending the same to provide for cases not therein specified, and a like ballot shall be printed for all other political parties.

Ballots, how  
printed, en-  
dorsed, etc.

264. SEC. 9. All ballots shall be printed on plain white paper uniform in size and quality and type and of such thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure thereon except as in and by this

act provided; on the back of such ballots shall be printed the words "Official Ballot of the ——— Party for Primary Election, 190—;" after the designation of the year, which shall be in figures, shall follow the name of the election district of the municipality for which the ballot is provided, followed by a fac-simile of the signature of the municipal clerk by whom the said ballot shall be printed.

265. SEC. 10. Said municipal clerk shall, prior to each primary election, at the time and as herein directed, provide and furnish for each existing political party, members of which have filed petitions as aforesaid, for the use of the voters at such primary, for each election district in his respective municipality, ballots of the kind and description aforesaid, equal to double the number of votes cast by such political party at the then last preceding election for members of the general assembly held in such election district; when an election district shall be divided or the boundaries thereof changed, or a new district created, the municipal clerk shall ascertain as nearly as may be possible the number of voters in the new or re-arranged or divided district, and provide therefor a sufficient number of ballots in the above proportion; no envelope shall be used at the primary elections held pursuant to this act.

Number of  
ballots  
furnished.

266. SEC. 11. At least twenty days before any primary election shall be held under the provisions of this act, the clerks of the several municipalities of the state as may be proper, pursuant to this act, shall provide for and secure in each election district of their respective municipalities, a suitable room in which to hold the registry and the said primary election, and immediately on procuring said room, such clerk shall notify the registry or poll clerk, or board of registry and elections, of such voting district, that such room has been procured; and it shall be the duty of the clerk procuring such room to arrange the same for a polling room, in the manner required by

Voting places,  
booths, etc.,  
to be provided  
by municipal  
clerks.

law for general elections, and to have constructed therein and ready for use before the primary elections, booths and compartments of the kind, number and description as are or may be by law required to be provided at the annual election for members of the general assembly; black lead pencils shall be provided and placed in said booths or compartments for use by the voter in preparing his ballot to be voted, and no other kind of pencil shall be used for such purpose.

Black lead pencils to be furnished.

Delivery of ballots and boxes and receipts for same on primary day.

Amended.  
P. L. 1910,  
p. 117.

Separate box for each party.

Kind of box.

267. SEC. 12. The said municipal clerk shall, on the morning of the day preceding any primary election wherefore they are required by this act to provide ballots, cause to be delivered, at his office, to the clerks of the board of registry and election of each election district within his municipality, the ballots and the ballot-boxes provided for each election district, and to take a receipt of each election clerk therefor, which last mentioned receipt the clerk of such municipality shall file and preserve for the period of one year; said election clerks shall, on the morning of the primary election, before proclamation of the opening of the polls, deliver the ballot-boxes and the ballots by them received to the election boards of their respective election districts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which said receipts said election clerks shall file with the municipal clerk, and the same shall be preserved for one year; said municipal clerk shall provide a separate ballot-box for each political party for each election district in his respective municipality; said ballot-boxes shall be each composed of four glass sides, at least one foot wide and one foot high, with a wood or metal bottom and top, and with an opening at the top through which the ballots shall be inserted into the box; any ballot-box which can legally be used at any general election for members of General Assembly may be used at the primary elections held pursuant to this act.



268. SEC. 13. The boards of registry and election appointed by the county boards of registry to conduct the registry under the act to which this act is a supplement, and the poll clerks appointed by such boards of registry and election shall, in their respective election districts, hold and conduct the primary election herein provided for. Such primary elections shall be held annually on the fourth Tuesday in September preceding the annual election for members of Assembly, except that in each year when a Governor is to be elected said primary elections shall be held on the second Tuesday of September, and shall, as nearly as may be, except as herein provided, be in all respects held and conducted as elections for members of the General Assembly are held and conducted. The two members of such board appointed from the political party which at the last preceding general election cast the largest number of votes in their county shall conduct the primary election of such party, having sole charge of the ballot-boxes of said party, and delivering, receiving and depositing the official ballots voted by members of such party, and having the sole right to challenge the voters offering to vote the ticket of such party as in this act provided; and the members of said board appointed from the political party casting the next largest number of votes in said county at said election shall, in like manner, conduct the primary election of such political party. All of the members of said board of registry and election shall conduct the primary election of any other political party holding a primary election under this act, and shall also ascertain and certify to the result of the primary election of all political parties holding primary elections under this act in the manner herein provided in section fifteen; *provided*, that before proceeding with such election each of the four members of the board of registry and election shall take and subscribe an oath to be administered by any duly qualified person, or by one mem-

Primary elections conducted by boards of registry and election.

When held.

Amended, P. L. 1909, p. 163.

Charge of ballot-boxes.

All election officers to act.

Proviso. Oath.

Right to  
challenge.

ber of the board to the others, that they and each of them will, to the best of his understanding and ability, conduct such primary election honestly and in accordance with law; that they will challenge, in the manner provided in this act, the vote of any person offering to vote at such election whom they believe not entitled to vote thereat, and that they will also challenge the vote of any person at such election offering to vote in the ballot-box of one existing political party, whom they believe, or have reason to believe to belong to another existing political party, and that they will refuse to receive the vote of such person, in case such vote is challenged, until he shall have taken an oath or affirmation, to be administered by a member of the board in the form prescribed in section seventy-four (74) of the act to which this act is a further supplement, and also in the following form:

Form of  
oath when  
challenged.

“You do solemnly swear (or affirm) that you are a member of the ——— political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the General Assembly at which you voted you voted for a majority of the candidates of said party whose names were printed on the ticket of said party, and that you intend to support the candidates of said party at the ensuing election.” In the case of voters voting for the first time in this State the portion of said oath or affirmation in relation to voting at any previous election shall be dispensed with; and if the person so challenged shall refuse to take the oath or affirmation so tendered to him he shall be deemed not to be qualified or entitled to vote at such primary election. Any person making such oath or affirmation falsely shall be guilty of perjury. Any voter who shall be shown by the primary book hereinafter provided to have voted in the ballot-box of one political party at any primary election held under this act shall

Perjury.

Voter not to  
vote in box  
of other party  
at next  
election.



not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. In addition to the registry lists hereinbefore provided, there shall also be kept two books or lists, one for each political party, which shall be called and labeled Republican Primary Book, and Democratic Primary Book, or as the case may be; the board of registry and elections shall cause the name of each voter at said primary to be written in ink, in the primary book of the party in whose ballot-box his vote is deposited; each of these primary books shall be signed by the members of the board of registry and elections and delivered by said board to the clerk of the municipality at the time of delivery of the ballot-boxes; said primary books shall be kept by said clerk until the ensuing primary election, and then delivered by him to the board of registry and elections for use at such ensuing election. At any primary election the members of the board conducting the primary election for each political party shall refuse to receive the vote of any voter offering to vote in the ballot-box of their political party, if the name of such voter appears in the primary book of the other political party as made up at the next previous primary election. The said primary books shall be kept by the municipal clerk subject to public inspection, and any voter whose name appears therein may apply to the judge holding the circuit court for his county, at any time prior to the next primary election to have his name stricken from said book; and said judge shall have power to hear said application in a summary way, at such time and upon such notice to such persons as he may prescribe, and if satisfied that the applying voter's name has been improperly placed on said primary book, said judge may make an order directing the municipal clerk to erase said name from said primary book, and said clerk shall thereupon erase the

Party primary books.

Voter's name must appear in previous primary book.

Books open to inspection.

Its correction.



Polls open.

Notice of  
primaries.

Registration  
of voters.

Manner of  
registering  
and voting.

same. At said primary election the polls shall be open at one o'clock in the afternoon and close at nine o'clock in the evening. Notice of the time and place of holding such primary elections shall be given by the poll clerks by five or more advertisements posted at conspicuous places in the election district at least ten days before such primary elections.

269. SEC. 14. The said board of registry and election shall, prior to or at and during said primary election, in the manner provided by law, register the name of every person who is legally qualified to vote at the ensuing general election for members of general assembly, and all persons so registered shall be entitled to vote at such primary election, unless if challenged they shall refuse to take the oath or affirmation as in this act provided; no person shall be allowed to vote at any primary election unless his name shall appear upon the registry-list for the election district where he offers to vote, as made up at the time of opening the polls for such primary election, or unless his name shall be placed thereon before he casts his vote, each voter on entering the polling-room shall register for the ensuing general election, if qualified to do so, unless his name shall be already registered, and after such registry shall ask the board of election for the party primary ticket he desires to vote, and thereupon shall receive one ticket of the kind demanded; the said voter shall retire with said ticket to one of the booths or compartments, and therein with black pencil erase the names of all persons on said ballot except those for whom he desires to vote; nothing herein shall prevent any voter from voting for any person whose name is not on his party ticket by writing the same thereon; while in the booth or compartment he shall fold the ballot so as to expose the endorsement on the back thereof, and on emerging from the booth shall proceed directly to the ballot-box of his political party, and there deliver his ballot, folded as aforesaid, to the proper member of the

board of election, who shall forthwith, in the presence of the voter, deposit the same in the ballot-box provided for the political party of such voter, unless challenged or disqualified as provided in section thirteen (13); should any voter to whom an official ballot has been furnished spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use, but no more than three official ballots, one at a time, shall be furnished to any voter at any primary election; if any voter shall make oath or affirmation that he is unable to read and write, and shall request the assistance of the board of registry and election in preparing his ballot, the said board shall designate one of their number to retire with said voter to the booth and assist him in preparing his ballot.

When voter may be assisted in preparing ballot.

270. SEC. 15. At the close of the primary election, the board of registry and election shall forthwith proceed to canvass and count the votes cast at such election, proceeding in the manner indicated by the statement hereinafter in this section provided for, and as nearly as may be in the manner required by law; the said boards of election shall at the conclusion of such canvass make up and sign a statement of the result of such election, which statement they shall as soon as may be transmit to the clerk of the municipality within which the said primary election is held; said statement shall in words at length show the entire number of votes cast at such election, the whole number of ballots rejected, the whole number of ballots cast for each party as indicated by the party names at the head of the respective party tickets, and the number of votes received by each person as a candidate for nomination for office, or for the position of delegate; such statement shall be in the following or like form:

Canvassing the votes.

Statement of election.

Form of  
statement.

Statement of the result of a primary election held in  
the \_\_\_\_\_ election district of the \_\_\_\_\_  
(municipality) in the county of \_\_\_\_\_ and state  
of New Jersey, on the \_\_\_\_\_ day of \_\_\_\_\_  
190 \_\_\_\_\_ :

At said election \_\_\_\_\_ the total number  
of votes cast was : \_\_\_\_\_

The total number of democratic ballots cast was :

The total number of republican ballots cast was :

The total number of citizens' reform ballots cast was :

The total number of democratic ballots rejected was :

The total number of republican ballots rejected was :

The total number of citizens' reform ballots rejected  
was :

For candidates of the democratic party for the position  
of delegate to the democratic state convention :

John Doe \_\_\_\_\_ received \_\_\_\_\_ votes ;

Richard Doe \_\_\_\_\_ received \_\_\_\_\_ votes ;

Thomas Jones \_\_\_\_\_ received \_\_\_\_\_ votes.

For democratic candidate for delegate to the democratic  
congressional convention of the \_\_\_\_\_ con-  
gressional district :

A \_\_\_\_\_ B \_\_\_\_\_ received \_\_\_\_\_ votes ;

C \_\_\_\_\_ D \_\_\_\_\_ received \_\_\_\_\_ votes.

For democratic candidate for delegate to the demo-  
cratic county convention of the county of \_\_\_\_\_

\_\_\_\_\_ received \_\_\_\_\_ votes ;

\_\_\_\_\_ received \_\_\_\_\_ votes.

For democratic candidate for member of the common  
council \_\_\_\_\_

\_\_\_\_\_ received \_\_\_\_\_ votes.

And in like form for all parties having candidates voted  
for at such election. To such statement shall be added  
a certificate in the following form :



*We certify* the foregoing to be a true and correct statement of the result of the primary elections held in such district at the time above stated; that the same truly and correctly exhibits the entire number of votes cast for each political party at such election, the whole number of ballots rejected and the number of said ballots rejected belonging to each party respectively; also the number of votes received by any person to be a candidate of any party for any office, or for the position of delegate named on any ballot or ballots cast at such election.

Certificate added to statement.

*In witness whereof*, we have hereunto set our hands this                      day of                      , one thousand nine hundred and                      .

..... } Board of  
..... } Registry and  
..... } Election.

271. SEC. 16. The persons receiving the highest number of votes for the position of delegate to any convention on any ticket of any political party at such primary election, to the extent of the number of delegates which the respective election districts are entitled to send to the said convention, shall be the duly-elected delegates to such convention, and said persons and no others shall be entitled to sit in the said convention as delegates as aforesaid, subject to the right of the said convention to be the judge of the qualifications of its own members in the case of a contest. The time and place of holding such conventions shall be determined by the State, congressional, county, or other proper committee of the respective political parties, but shall in all cases be after the holding of the primary election as herein provided. In the event that by reason of tie voting more candidates shall receive a sufficient number of votes to entitle them to be elected as delegates than the number of delegates

Who elected delegates.  
[Amended, P. L. 1906, p. 509.]

Time and place of convention.

If tie vote.

the election district is entitled to send to the convention, the additional candidates so voted for shall be considered as chosen delegates to said convention, but in such convention they shall be entitled only to the appropriate fraction of a vote; that is to say, if an election district shall be entitled to send three delegates to a convention, and two candidates receive respectively the highest and the next highest number of votes, and the three candidates receiving the next highest number of votes shall each receive the same number of votes, the said three candidates shall also be elected delegates to the convention, but shall be entitled to only one-third of a vote each therein. The said municipal clerk shall deliver a certificate showing the result of said election to each of the persons ascertained as aforesaid to be successful candidates, which certificates shall be the credentials of the said delegates at the ensuing conventions of the respective parties.

Credentials.

Selection of  
candidates in  
wards and  
townships.

272. SEC. 17. The municipal clerk shall send to the county clerk of his county a certificate showing the person in each political party receiving the highest number of votes for any office for which the candidate is to be voted for at the general election only in a single ward or township, and such person shall be the candidate of his political party at the ensuing election, and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party; in the event of a failure to select such candidate for any political party by reason of two or more persons receiving the highest and the same number of votes, the proper committee of the said political party shall select from the said candidates one to be the party candidate for the office in question, and file a statement of such selection with the municipal clerk, and the person so selected shall be the candidate of the party at the ensuing election; in the event of a failure of the said committee to make such selection, the municipal clerk shall make the selection from the

Vacancies.



persons receiving said highest and the same number of votes; in the event that any candidate chosen at a primary election for any office, the candidates for which are to be voted for only by the voters of a single ward or township, shall die, or remove from the ward, township or borough, or decline to run as a candidate, before the ensuing election, the proper committee of the party to which the person so declining or dying belongs shall have the power to fill said vacancy by filing a new nomination with the proper municipal clerk; notice of the selection as aforesaid shall be given by the municipal clerk to the county clerk.

273. SEC. 18. Whenever it shall appear that any error or omission has occurred in the printing of the ballots for any primary election, by any municipal clerk, any voter resident in any election district affected by such error or omission may present to the justice of the supreme court holding the circuit court in and for the county containing said election district a verified statement setting forth such error or omission, and such justice, being satisfied thereof, shall thereupon summarily, by his order, require the municipal clerk to correct such error and omission, or show cause why such error and omission should not be corrected.

Correction  
of errors  
in ballots.

274. SEC. 19. Should any person endorsed in any petition as a candidate to be voted for at any primary election, die before such election, or in writing filed with the municipal clerk twelve days before the primary election, decline to stand as a candidate, the vacancy or vacancies thus caused shall be filled by a majority of the persons signing the petition in and by which the person so dying or declining was endorsed, filing within three days after the occurrence of such vacancy with the municipal clerk a new petition, setting forth the name of the person declining or dying, the office for nomination to which or the position of delegate for which he was endorsed, and the name of the person to be substituted;

Vacancies  
among candi-  
dates at  
primary  
election.  
Amended,  
P. L. 1910,  
p. 397.

New petition.



the said petition shall be verified by three of the signers; the said new petition shall have the same force and effect as the original petition, and the name of the person so substituted shall be printed upon the ballots in the place and stead of the person dying, or declining as aforesaid.

Vacancies  
among  
delegates.  
[Amended,  
P. L. 1906,  
p. 510.]

275. SEC. 20. In the event that any person so elected a delegate as aforesaid to any convention shall, after such election and before the meeting of such convention, die, or in writing addressed to the chairman of said convention shall decline to act as such delegate, his place as such delegate shall be filled by a majority vote of the other delegates selected from the election district in which the person so dying or resigning was elected.

Member of  
one party not  
to petition or  
vote in box  
of another.

276. SEC. 21. No member of one political party shall sign his name to any petition purporting to endorse any person as a candidate for delegate to the convention of another political party, or as a candidate for office of another political party, nor shall any member of one political party vote in the ballot-box used for the primary election of another political party; any person who, being a member of one political party, shall sign his name to any petition endorsing any person as a candidate for delegate to the convention of another existing political party, or as a candidate for office of another political party, or any person who, being a member of one political party, shall vote in the ballot-box used for the primary election of another political party, shall in each case be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding two years, or both, at the discretion of the court.

Penalty.

When ballots  
not official  
may be used.

277. SEC. 22. If at any primary election the ballots for any political party to be furnished therefor as hereinbefore provided shall not be delivered at the time above mentioned, or if after delivery they shall be destroyed or stolen, and other official ballots cannot be obtained in time for such primary election, it shall be the

duty of such municipal clerk, or the clerk of the board of election, as the case may be, to cause other ballots to be printed as nearly in the form prescribed by this act as practicable, but without the endorsement on the back thereof, which ballots so substituted shall be used at such primary elections; if from any cause neither the official ballot or ballots otherwise prepared as hereinbefore described shall be ready for distribution at any polling place, or if the supply of ballots for any political party shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of official ballots, shall be used; where the use of official ballots is for any of the reasons aforesaid dispensed with, the mode and manner of voting shall nevertheless in all respects conform as nearly as possible to the directions and requirements of this act.

278. SEC. 23. No person shall vote at any primary election unless his name shall appear on the registry of voters made in the election district where he offers his vote, or unless his name shall be placed thereon before he casts his vote; any person so voting shall be punished as now provided by law for illegal voting.

Registration  
before voting  
required.

279. SEC. 24. Nothing in this act contained shall apply to or in any wise affect any election hereafter to be held in this state upon any day other than the day of the general election for members of the general assembly.

To what  
elections  
this act is  
applicable.

280. SEC. 25. The chairman of the county committee of each political party in each county of the state may appoint two agents for each election district in his county; such agents shall be the authorized agents and challengers of their respective parties at the primary elections held under this act, and shall be at liberty to challenge the right of any person to vote thereat; the appointment of agents may be made in writing under the hand of the respective county chairmen, and shall specify the names and residences of the agents, and the election districts for which they are severally appointed; such appointment papers shall be filed with the respective

Challengers.  
[Amended,  
P. L. 1908,  
p. 185.]

Candidates  
as challengers.

boards of election in the districts named therein as evidence of the authority of such agents to be present in the polling place; said agents may be present inside the railed enclosure while the votes cast at the primary are being cast and counted, and hear and see said ballots counted (and every person whose name shall be printed upon the official primary ballot shall also have the rights and privileges of a challenger as hereinbefore provided), and every person whose name shall be printed upon the official primary ballot, and who is to be voted for throughout the county, shall have the right to act as a challenger, and also to appoint in writing two agents for each election district in his county, and said agents shall have the rights and privileges of an agent and challenger, as provided in this section.

281. SEC. 26. [This section amends section 15 *ante*, which see.]

282. SEC. 27. [This section amends section 20 *ante*, which see.]

283. SEC. 28. [This section amends section 21 *ante*, which see.]

284. SEC. 29. [This section amends section 23 *ante*, which see.]

285. SEC. 30. [This section amends section 60 *ante*, which see.]

286. SEC. 31. Section one hundred and seventy-eight (178) of the act to which this act is a further supplement is amended so as to read as follows:

Compensation of  
members of  
registry and  
election  
boards.  
[Amended,  
P. L. 1899,  
p. 13; P. L.,  
1901, p. 258;  
P. L. 1903,  
p. 628; P. L.,  
1903, p. 711.]

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows: In cities having a population exceeding thirty thousand, for the first registry day, including services rendered at the primary election, ten dollars (\$10), and for each other registry day five dollars (\$5), and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the



municipal clerk, ten dollars (\$10), which compensation shall be the same for both the general election and the municipal election; and in all other cities, townships and other municipalities the compensation of each member for all such services in connection with any local or primary or charter election shall be, for the primary election day, five dollars (\$5); for each registry day, three dollars (\$3); and for the election day, including the counting of the votes and delivery of the returns and the ballot-box, seven dollars (\$7), and for all such services in connection with the general election or any special election held in and for the whole county such compensation shall be fifteen dollars (\$15) in districts where the number of registered voters is not more than one hundred and fifty (150), twenty dollars (\$20) in districts where the number of registered voters is more than one hundred and fifty (150) and not more than three hundred, and twenty-five dollars (\$25) in districts where the number of registered voters is more than three hundred (300), said sums to be paid by the county collector, and to be in lieu of all other fees and charges whatsoever. (a)

287. SEC. 32. Section two hundred and sixteen (216) of the act to which this act is a further supplement is hereby repealed. Repealer.

288. SEC. 33. The following sections of the act to which this act is a further supplement shall apply, as far as may be, to the primary elections held pursuant to this act: sections thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), forty-eight (48), fifty-three (53), fifty-five (55), fifty-six (56), fifty-seven (57), fifty-eight (58), fifty-nine (59), sixty-two (62), sixty-three (63), sixty-five (65), sixty-six (66), sixty-eight (68) to seventy-nine (79) (both inclusive), eighty-one

Sections of  
election law  
applicable  
to primary  
elections.

[Amended,  
P. L. 1908,  
p. 635.]

(a) This act was approved April 14, 1903. The amendment contained in section 178 *ante* was approved April 15, 1903. *Query*—Do not both of these amendments stand? Is there anything in the amendment of April 14 repealed by the amendment of April 15? This section was repealed by Chapter 40, Laws of 1908.

(81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-six (86) to ninety-two (92), (both inclusive), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred and fifty-nine (159), one hundred and sixty (160), one hundred and sixty-one (161), one hundred and seventy-nine (179), one hundred and eighty (180), one hundred and eighty-six (186), one hundred and eighty-seven (187), one hundred and eighty-eight (188), one hundred and ninety (190), one hundred and ninety-one (191), one hundred and ninety-three (193) to two hundred and thirteen (213) (both inclusive), two hundred and fourteen (214), two hundred and fifteen (215), two hundred and seventeen (217), two hundred and eighteen (218) and two hundred and nineteen (219).

Repealer.

289. SEC. 34. All acts and parts of acts which in any wise conflict with the provisions of this act are hereby repealed, and this act shall take effect immediately.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight. Approved January 20, 1905. P. L. 1905, p. 11.

Nomination  
to fill  
vacancy in  
legislature.

290. SEC. 1. That whenever a writ of election shall be issued by either the senate or house of general assembly of the state of New Jersey for the purpose of filling vacancies which shall arise from the death, resignation or otherwise of any member of either of said bodies that the political parties of the county to which such writ of election shall be directed may nominate candidates for the office in which such vacancy has occurred, in such manner and under such regulations as shall be provided by the county committee of the respective political parties.

291. SEC. 2. This act shall be a public act and shall take effect immediately.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, eighteen hundred and ninety-eight. Approved January 25, 1905. P. L. 1905, p. 12.

292. SEC. 1. That whenever a writ of election shall be issued by either the senate or house of general assembly of the state of New Jersey for the purpose of filling vacancies which shall arise from the death, resignation or otherwise of any member of either of said bodies the advertising of the writ of election in at least four newspapers, if so many there be in said county, said advertising shall be published as nearly as may be equally in newspapers of the different political parties so as to afford the widest possible information to all voters of every political party, and shall be published as often as required by the writ of election, shall constitute a sufficient notice of the holding of such election to the legal voters therein; the convention or body making such nomination shall certify to the clerk of the county the name of the person or persons selected as a candidate under the hand of the presiding officer of the convention or other body making such nomination together with an acceptance of such nomination signed by the person selected as a candidate and such certificate of nomination and acceptance shall be filed with the clerk of the county six days before the time fixed by the writ for the holding of such election; the local boards of registry and election shall meet at the place where such election is to be held in the respective voting districts or precincts, on the Friday preceding the day set for the holding of such election, at one o'clock in the afternoon, and remain in session until eight o'clock in the evening for the purpose of revising and correcting the registers of voters by adding thereto the names of persons entitled to vote whose names do not appear thereon; the registers of voters used at the last preceding election shall be used at such special election; the clerk of the county in which such election shall be called shall provide official ballots and

Advertising writ of election to fill vacancy in legislature.

Nomination certified.

Registration.

Official ballot.



Returns.

envelopes of the same kind and under the same regulations as provided for in the law to which this is a supplement; the local boards of registry and election shall make return of the result of such election to the clerk of the county board of registry and election within twenty-four hours after holding such election; the county board of registry and election shall meet on the Thursday following the holding of such election and shall canvass the vote and certify the result to the clerk of the county, and the clerk of the county shall within three days after such election is held deliver a certificate of the determination of the county board of registry and election and the certificate appended thereto to the successful candidate and transmit another copy of the same to the secretary of state at Trenton; the clerk of the county shall issue to the successful candidate a certificate of election immediately after the vote shall be canvassed by the county board of registry and election; official ballots shall be supplied to parties applying for them under the same conditions and regulations as provided in the act to which this is a supplement; except as herein approved, such special election shall be conducted in the same manner and under the same conditions, restrictions and penalties as general elections for members of assembly.

Certificate of election.

Compensation.

293. SEC. 2. The members of the boards of registry of election shall each receive ten dollars and no more for all services rendered under the provisions of this act.

An Act relative to the time of election and appointment and terms of office of officers elected or appointed in towns, townships, boroughs and other municipalities in this state, approved February 15, 1905. P. L. 1905, p. 14.

Municipal elections held in November. [Amended, P. L. 1905, p. 356.]

294. SEC. 1. Hereinafter, in all towns, townships, boroughs and other municipalities in this state, all officers required to be elected therein at any municipal or charter election shall be voted for and elected on the first Tuesday after the first Monday of November in each

year, and with the same registration and upon the same official ballots required by law for the election of state and county officers, and not otherwise; and the said ballots voted as aforesaid for such officers shall be canvassed, and the result of any such election therefor shall be determined as now provided by law in the case of county officers and certified to the clerk of such town, township, borough or other municipality, it being the intention hereby to consolidate the municipal or charter elections in towns, townships, boroughs and other municipalities with the general or state election; *provided*, Proviso. that nothing herein contained shall be construed to affect the election of commissioners in those municipalities the boundaries of which are not coterminous or coextensive with the boundaries of the township of which they are a part and whose elective or appointive officers are not authorized by law to assess and collect taxes, nor any member of any board of education or school trustee.

295. SEC. 2. The term of office of every such elective officer (except justices of the peace) heretofore elected in any town, township, borough or other municipality, and holding office at the passage of this act, shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided*, Term of elective officers extended. that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year. Proviso.

296. SEC. 3. Every officer heretofore appointed or chosen by the township committee, mayor or other governing body of any town, township, borough or other municipality, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and hereby is extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *pro-* Appointed officers continued. Proviso.

*vided*, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

When term  
begins.

297. SEC. 4. The terms of office of all officers (except justices of the peace) hereafter elected in any town, township, borough or other municipality shall commence at twelve o'clock noon on the first day of January next succeeding their election and continue for the respective terms of years now fixed by law; and the terms of office of all officers hereafter appointed or chosen by the township committee, mayor or other governing body of any town, township, borough or other municipality, except to fill vacancies, shall commence on the first day of January of the year in which they are appointed and continue for the respective terms of years now fixed by law, when said term is for a definite period; *provided, however*, that no appointment of any officer shall be made by the township committee or other governing body of any town, township, borough or other municipality for a term of office to commence after the expiration of the term of any member of said township committee or other governing body, or by the mayor of any borough or other municipality, for a term of office to commence after the expiration of the term of said mayor.

Proviso.

Vacancies.

298. SEC. 5. All vacancies in offices in any town, township, borough or other municipality of this state arising from or created by any other cause than expiration of term of office shall be filled for the unexpired term only.

Powers,  
duties, etc.,  
continued.

299. SEC. 6. The powers, duties and authorities of every officer whose term of office is extended by this act are hereby continued in full force and effect for and during the period of such extension.

Continuance  
in office.

300. SEC. 7. Every officer now or hereafter holding any office covered by the provisions of this act (except justices of the peace) shall continue to hold such office and to exercise the duties thereof, notwithstanding the



time limited for such continuance shall have expired, until his successor has been chosen and qualified, unless sooner removed in the manner provided by law.

301. SEC. 8. All acts and parts of acts, special or general, inconsistent with the provisions of this act are hereby repealed. Repealer.

Supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight. Approved April 6, 1905. P. L. 1905, p. 224.

302. SEC. 1. Any public officer or election officer whatsoever of this state, or of a city, borough, town, township, municipality or election district or precinct, upon whom a duty is imposed by the provisions of the act to which this is a supplement, or any supplement thereto or amendment thereof, who refuses or willfully neglects, or willfully fails to perform such duty, or who willfully performs it contrary to the law, or in such way as to hinder the objects of this act, shall for each offense, if no other penalty is herein specifically imposed for such offense, be punished by fine not exceeding five hundred dollars, or by imprisonment in the state prison for a term not exceeding three years, or by both such fine and imprisonment. Penalty for officers refusing or neglecting duty.

303. SEC. 2. Whoever shall solicit the registering of his name on the registry list of any election district or precinct in this state, knowing that he is not a legal voter in such district or precinct; whoever shall willfully counsel, procure, aid, advise, assist or abet in the registering of the name of any other person on the registry list of any election district or precinct, knowing such other person is not entitled to vote therein; whoever at any election, knowing that he is not a qualified voter, votes thereat; whoever at any election votes or attempts to vote more than once on his own name; Penalty for illegal registering, voting, assisting, abetting or acting at election.

whoever at any election votes or attempts to vote in more than one election district or precinct; whoever at any election votes or attempts to vote upon any other name than his own; whoever knowingly casts or attempts to cast more than one ballot at one time of balloting; whoever at any election counsels, procures, aids, advises, assists or abets any person, knowing that he is not a qualified voter, to vote thereat; whoever at any election counsels, procures, aids, advises, assists or abets any person in voting in more than one election district or precinct; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote or to attempt to vote upon any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of voting; whoever at any election in this state shall in any way willfully mark or deface his ballot, or shall willfully counsel, procure, aid, advise, assist or abet any person in the marking or defacing of a ballot; whoever at any election in this state shall in any way counsel, procure, aid, advise, assist or abet any official or person in any act which is contrary to the provisions of this act or the act to which this is a supplement; whoever at any election in this state shall in any way willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; whoever shall willfully tamper with, injure, mutilate, destroy or render unfit for use, any ballot-box or voting machine, shall be guilty of a misdemeanor and punishable by a fine of five hundred dollars or imprisonment in state prison for the term of three years, or both.

Injuring  
voting  
machine.

A Supplement to an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight. Approved April 12, 1905. P. L. 1905, p. 262.

Revision of  
registry list  
by the court.

304. SEC. 1. It shall be the duty of the justice of the

supreme court assigned to hold the circuit court, and the judge of the court of common pleas, in each of the several counties of this state, or one of said judges, to sit and hold a court of common pleas at the court house in their respective counties on the Monday next preceding the day of the general election for members of the general assembly, from eight o'clock in the forenoon till five o'clock in the afternoon, to revise and correct the registry of election in the several election districts in such county, and in case any legal voter in any election district has been refused the right to register, or his name has been improperly or inadvertently left off the registry-list, he may, on said day, apply in person, to said court for the purpose of having his name placed upon the register; and the said court, upon such application and upon satisfactory evidence that such person is a legal voter entitled to vote at such election, may give a certificate under the seal of the court to that effect, and the clerk of the court shall add the name of such voter to the proper register on file with him; such voter may, upon the day of election, present said certificate to the board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the register, and he shall thereupon be allowed by said election board to vote at said election.

Name  
added.

305. SEC. 2. It shall also be the duty of said justice of the supreme court and the said judge of the court of common pleas, or one of them, to sit and hold a court of common pleas at the court house in their respective counties on the day of the general election for members of the general assembly from eight o'clock in the forenoon till seven o'clock in the evening, and in case the vote of any person registered, in any election district, has been refused or rejected by the district board of elections, in such district, the said court shall, upon

Court in  
session on  
election day.



Duties.

application, in person, by the person so refused or rejected, proceed, in a summary way, to inquire whether such person is entitled to vote in such election district; and if the court shall find that such person is legally entitled to vote in said election district, it shall issue a certificate, under its seal, to the board of registry and election of the district in which such person is entitled to vote, reciting that such person is entitled to vote in such election district and shall deliver such certificate to such person; such person may present said certificate to the board of registry and election of the district in which he is entitled to vote, and said board shall receive and file said certificate, and thereupon he shall be allowed to vote at such election.

Registers  
delivered  
to county  
clerk.

306. SEC. 3. The county board of elections, in each of the several counties of this state, shall deliver to the county clerk, at or before eight o'clock in the forenoon, on the Monday next preceding the general election, all the copies of the registers which were in their possession on the Saturday next preceding said general election, who shall have the same in court for the use of the court while acting under the authority conferred by this act; said registers shall be returned by the said county clerk to the custody of the county board of elections on the day after the election shall be held.

Summary  
action of  
court.

307. SEC. 4. In making investigations under this act to determine the right of any person or persons to vote or to register, the court shall have power to act upon such application or matter in a summary manner, and to issue subpoenas for the production of papers, or the appearance of persons with like power, jurisdiction and authority as said court would have in any civil cause pending therein; the sheriff of the county or a deputy duly appointed by him, shall be authorized and required to serve all processes issued out of the said court on any application pending under this act, and he shall also be

Duty of  
sheriff.

authorized and required to enforce any orders or proceedings made, entered and directed to be executed by the said court.

308. SEC. 5. If any board of registry and election, or any member thereof shall fail or refuse to comply with the order of the said court made in any proceeding taken under this act, such failure or refusal to so comply may be dealt with and punished as and for contempt of court.

When  
election  
officer in  
contempt.

309. SEC. 6. It shall be the duty of the county clerk, as clerk of the court of common pleas, to attend upon the sessions of court required to be held under this act, either in person or by deputy, at all times during the sitting thereof, and to record and keep the minutes of the said court in any matters arising under this act, and for such service he shall be entitled to receive and be paid by the county collector, for each day's attendance, the sum of ten dollars.

Duty of  
county  
clerk.

310. SEC. 7. Each of the judges holding the court of common pleas, as herein required, shall be entitled to receive the sum of twenty dollars for each day he shall be personally present, pursuant to the provisions of this act, in addition to the salary to which he is now entitled by law, which sum shall be paid by the collector of the county as other court expenses are paid.

Compensation  
of judges.

311. SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

An Act to provide for the purchase of voting machines, and to regulate the use of the same at elections.

Approved April 28, 1905. P. L. 1905, p. 386.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

312. SEC. 1. Voting machines may be used in all elections, general or special, hereafter held in this state or any political division thereof for any purpose what-

Voting  
machines  
allowed.

ever, and at any and all such elections the ballot may be had and taken and the votes cast thereat registered, recorded and counted, and the result of such election or elections ascertained by voting machines; when a voting machine shall be placed in any voting district in this state, either by the state or by the county in which such district is situated, it shall be the duty of the persons charged with conducting the elections in such district to use such voting machines at all elections to be thereafter held; and the use of such machines, as far as the same may be, shall be subject to the same requirements, provisions, terms, conditions and restrictions as now exist for the use of ballots and ballot-boxes; *provided*, that voting machines shall not be used at school meetings or at primary elections.

When to  
be used.

Proviso.

Voting  
machine  
commis-  
sioners.

313. SEC. 2. There shall be and hereby is established in this state a commission to consist of three persons to be known as the "State board of voting machine commissioners;" the members of said board shall be appointed and commissioned by the governor, shall hold office for the term of three years, and their successors shall be appointed by the governor for the full term; *provided*, that the members of the state board of voting machine commissioners, as now constituted, shall continue to hold office until the expiration of the term for which they were originally appointed; any vacancy occurring in said board by death, resignation, removal or otherwise shall be filled by the governor for the unexpired term only; any member of such board may be removed at the pleasure of the governor; no member of such board shall have any pecuniary interest directly or indirectly, in any voting machine; one member of said board shall be a mechanical expert.

Proviso.

Not interested  
in machine.

Oath;  
organization

314. SEC. 3. The members of said board shall severally take and subscribe to an oath or affirmation before some person authorized by the laws of this state to administer the same, that they will faithfully and impar-



tially discharge the duties imposed upon them by law to the best of their knowledge, understanding and ability, and file the same with the secretary of state; they shall organize by electing one of their number to be chairman, and one to be secretary, and one to be treasurer; the secretary shall keep a record of all meetings held by the board, and of all voting machines inspected and examined by it, and of the action of the board respecting the same.

315. SEC. 4. Any person, company or corporation owning or being interested in any voting machine may apply to the state board of voting machine commissioners to examine such machine and report on its compliance with the requirements of the law and its accuracy, efficiency and capacity to register the will of voters, upon such application the said board shall examine such machine and make report whether, in its opinion or in the opinion of any two of the members thereof, the kind, pattern or style of machine so examined complies with the requirements of this act and can safely be used at elections to be held in this state under the conditions prescribed by this act; the report of said board on said machine, signed by the members thereof, or any two of them, and all exhibits, drawings, photographs, descriptions, et cætera, filed in connection with and identifying said machine so examined, shall be filed in the office of the secretary of state and shall be a public record; if the report of the board, or any two members thereof, be that machines of the kind, pattern or style examined can be used, such kind, pattern or style of machine shall be deemed to be approved by the board, and its use as herein provided shall be authorized at any such election as aforesaid to be held in this state or any civil division thereof; any kind, pattern or style of voting machine not so approved by said board shall not be used at any election; the examination herein provided for shall not be required of each individual machine, but only of

Examination  
and approval  
of machine  
by commis-  
sioners.

Report.

each particular kind, style or pattern of machine before its adoption, use or purchase, as herein provided; when the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity shall not render necessary a re-examination or re-approval thereof.

Deposit and use of same; compensation of commissioners.

316. SEC. 5. Any person, company or corporation applying to have any voting machine examined, shall deposit with the treasurer of said board the sum of four hundred and fifty dollars; from and out of said money shall first be deducted and paid all expenses incurred in examining machines by said board in and about the discharge of its duties, including stationery, books and postage; the balance remaining shall be divided into three equal parts or portions; each of said members shall receive one of said portions in payment of traveling and other expenses and for his compensation as a member of said board.

Requirements of machine.

317. SEC. 6. No voting machine shall be approved by the said board unless the same be so constructed as to provide facilities for voting for the candidates of as many different parties or organizations and for and against as many different questions or amendments as in the judgment of the commissioners shall be necessary; nor shall any such machine be approved unless the same will permit a voter to vote for any person for any office, although the name of the person voted for does not appear on the machine as a nominated candidate for such office; it must enable the voter to vote a straight party ticket or a ticket selected in part from the nominees of one party and in part from the nominees of any or all other parties, and in part from independent nominations, or in part or in whole of the names of persons not nominated by any party or upon any independent ticket; such machines must also secure to the voter privacy and secrecy in the act of voting; such machine must also be so constructed that a voter cannot vote for a candidate

Straight and split tickets.

Secrecy.

or a proposition for whom or on which he is not lawfully entitled to vote, also to prevent voting for more than one person for the same office, except in cases where the voter is lawfully entitled to vote for more than one person for the same office, in which event they must enable the voter to vote for as many persons for that office as he is by law entitled to vote, and no more; they must also prevent his voting more than once for the same person for the same office; said machines may be provided with one ballot in each party column or horizontal row containing only the words "presidential electors" and the names of the candidates for president and vice president, preceded by the party name and party emblem (if any emblem be used) and a vote for such ballot shall operate as and be counted, canvassed and returned as a vote for all the candidates of such party for presidential electors, and such machines must be so constructed that by voting an irregular or split ticket, as herein defined, the elector may vote for any person or persons he may choose for the office of presidential elector, and must be so constructed that all votes cast for regularly nominated candidates are registered on mechanical counters or devices; each machine must be provided with a lock or locks, by the use of which any movement of the voting or registering mechanism is absolutely prohibited, and any machine to be approved by said board must be of such kind, style or pattern as will permit the exercise by each voter of the full right and privilege of his elective franchise under the constitution and laws of this state; such machines, in order to be approved by said board, shall be supplied with a booth, canopy, curtain or other contrivance so arranged or affixed that the use and operation of the machine by the voter when voting cannot be seen or observed by any other person, unless such person be inside the booth, canopy, curtain or other contrivance at the same time; such machine must also be so constructed as to correctly register or contain every vote

In presi-  
dential  
elections.

Locks.

Booth ar-  
rangements.

Capacity.



of every description that may be cast, and of sufficient capacity to enable at least six hundred votes to be cast within the time prescribed for holding an election on any general election day.

Purchase.

318. SEC. 7. The state board of voting machine commissioners shall have power and authority to expend with the consent of the governor such sum or sums of money as shall be appropriated for that purpose in the purchase of voting machines of a kind, style or pattern which have been or may hereafter be approved by said commissioners in conformity with the laws of this state.

Proposals  
invited.

319. SEC. 8. Before any purchase shall be made, the state board of voting machine commissioners shall advertise for a period of twenty days their intention to purchase voting machines, inviting proposals, said proposals to state the style or kind of machine proposed to be furnished; the said commissioners shall have power and authority to contract for and purchase as many machines and encasements or devices for the erecting, protecting and operating the same as the appropriation for that purpose will permit of such styles, kinds or makes as they shall deem to be for the best interests of the state; *provided*, no contract or purchase shall be binding until approved by the governor and until the state board of voting machine commissioners shall receive a bond in such sum and with such sureties as shall be approved by them for the faithful performance of the terms of the contract, such bond to be filed in the office of the state comptroller; all machines so purchased shall be inspected by the commissioners or some person or persons appointed by them for that purpose, and if found to be in accordance with the terms of the contract shall be approved, and no machines shall be paid for unless so approved.

Proviso.

Inspection  
and approval.

Delivery,  
care and  
use.

320. SEC. 9. The state board of voting machine commissioners shall, after the approval of the machines, as provided by this act, under the instruction of the secre-

tary of state, deliver the machines purchased as above to the governing bodies of the municipalities in which the election district is situated to which the secretary of state shall assign the machines; the state voting machine commission shall provide for the setting up of the machines in the election districts selected by the secretary of state and give all such instructions for their use as in their judgment shall be necessary; it shall be the duty of the secretary of state to select and designate the election districts in this state wherein voting machines shall be placed when the same are purchased by the state, such designation to be made in writing and sent to the voting machine commission on or before the first Tuesday in October of each year, and when such designation shall once be made no change shall be made except before the first Tuesday in October of each year; the clerk of any municipality shall upon the receipt of a voting machine or machines, forthwith notify the voting machine commission that said machine or machines has or have been received.

Election  
districts  
designated  
by secretary  
of state.

321. SEC. 10. The board of chosen freeholders or governing body of any county in this state may purchase and provide for any election district therein one or more voting machines of a kind, style or pattern which has been or may hereafter be approved by the state board of voting machine commissioners or one or more devices for the encasing any machine, and may provide for the payment therefor in such manner as it may be deemed for the best interests of such county, and, to provide for the purchase price, may issue bonds, certificates of indebtedness or other obligations, which shall be a charge upon the county; such bonds, certificates of indebtedness or other obligations may be issued with or without interest, payable at such time or times as the governing body issuing the same may determine, but they shall not bear interest greater than four per centum or be sold at less than par.

Purchase  
of machines  
by county.

May issue  
bonds.

Care and  
repair of  
machine.

322. SEC. 11. The common council, board of aldermen, township committee or other governing body of any city, town, borough, township or other municipality of this state in which a voting machine or machines shall be placed, either by the state or by the county, shall be charged with the duty of keeping the same in repair and good condition and for the custody and proper care thereof, and of the furniture and equipment of the polling-place or places in such municipality when not in use at an election, and for that purpose may purchase any device for the encasing such machine; the expenses of keeping in repair and providing for the custody and storing of the voting machines and the furniture and equipment of the polling-place or places shall be a charge upon the municipality in which the voting district is located in which such voting machine is placed; in all cases where a voting machine has been placed in an election district by the state, it shall be the duty of the municipal authorities in which such election districts are located to have all machines therein located insured in some good and responsible insurance company in a sum not less than eighty per centum of the value of each machine; in case any machine shall be destroyed by fire it shall be the duty of the municipality to use the money collected on the insurance to replace the machine so destroyed, and to place such machine so purchased in the same election district in which the machine which was destroyed by fire was located by the secretary of state; no voting machine shall be stored or kept in any place where vinous, spirituous, malt or brewed liquors are sold, nor used for advertising purposes by the person charged with the care thereof.

Machines  
insured.

If destroyed  
by fire.

Machines  
when pro-  
vided must  
be used.

323. SEC. 12. When any machine shall be supplied or provided, either by the state or county, for any election district of this state, it shall be and hereby is made the duty of the persons appointed to conduct the election in such district to use the said machines at all



elections as herein provided, thereafter to be held, and voting machines when so placed in any election district shall be used in place of ballots and ballot-boxes; booths for the voters or official ballots shall not be provided for such district except the official ballots provided for by sections fourteen, fifteen, eighteen and nineteen.

324. SEC. 13. The state committee of any political party may adopt any emblem or device (except the American flag) to designate the ticket or ballot of that particular party, and certify the adoption thereof under the hands of its chairman and secretary, and file the same with the secretary of state; the emblem or device so adopted, certified and filed shall be and continue the emblem or device of such party until the same be in like manner changed by its said committee and such change certified and filed as aforesaid; any emblem or device adopted by one party as aforesaid shall not be adopted or used by any other party; the party first filing with the secretary of state the certificate of its adoption of an emblem or device shall have the right to the exclusive use of that particular emblem or device, but no use shall be made of any such emblem or device except in cases where an election is to be held by the use of voting machines; such emblem or device shall be printed in black ink on white paper or clear white material; the political party shall, if it desires to adopt or change an emblem or device, file the same with the secretary of state on or before the first day of August in each year.

Emblem or  
device to  
designate  
ticket.

325. SEC. 14. The list of rows of candidates to be used on the front of the voting machine shall be deemed official ballots under this act for any election district in which a voting machine is used pursuant to law; the word "ballot," as used in this act (except when reference is made to irregular ballots), means that portion of the cardboard or paper or other material within the ballot frames of the machine containing the names of the candidates for office, the names of the offices to be filled

Ballot  
defined.

at that election, the names of the parties and their emblems and devices, and a statement of the proposed constitutional amendment or other question or proposition to be voted on with the words "for" and "against," or the words "yes" and "no."

Ballots, how prepared.

326. SEC. 15. All ballots shall be printed in black ink on white paper or clear white material, of such form and size as will fill the ballot frame of the machines, in plain, clear type as large as the place will reasonably permit; the party device, designation or emblem (if any) for each political party represented on the machine and the party named or their designations shall be prefixed to the column, list or row of the candidates of such party.

Arrangement of ballots.

327. SEC. 16. Party nominations shall be arranged on each voting machine, either in columns or horizontal rows; the captions of the various ballots on said machines and the emblems or devices (if any) designating the same shall be so placed on said machine as to indicate to the voter what lever, push knob, key, lock or other device is to be used or operated in order to vote for the party of his choice; *provided*, that the party emblems, devices or designations of the political party whose candidate for governor at the last preceding election for governor received the largest number of votes for that office shall be placed first at the top, and the names of the candidates of such party shall follow directly after in a horizontal row or in a column directly underneath, as the construction of the machine may require; the party emblems, devices, designations and names of candidates of the political party whose candidate for governor at the preceding election for governor received the next largest number of votes for that office shall be placed second; the party emblems, devices, designations and names of candidates of all other political parties shall follow in the order of priority determined by the number of votes cast for gubernatorial candidates at the preceding election for governor; *provided*, that

Proviso.

Order of parties.

Proviso.



the party emblems, devices, designations and names of candidates of political parties which were not represented in the preceding gubernatorial election by a candidate for governor shall follow the others in alphabetical order of their party designations; all emblems, devices, party designations and names of candidates shall be uniformly arranged, beginning at the left of the machine as the voter faces the front of it.

328. SEC. 17. Official ballots of the form and description as described in this act for use upon voting machines shall be prepared and furnished in the same manner, at the same time, and by and delivered to the same officials as now provided by law.

Preparing  
and furnish-  
ing ballots.

329. SEC. 18. The officer or officers whose duty it may be under this act to provide and furnish official ballots for any polling-place where a voting machine is to be used, shall also provide therefor two sample or instruction ballots, which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day; such sample ballots shall be open to the inspection of voters at the polling-place during all hours that the polls may be open on election day.

Sample  
ballots.

330. SEC. 19. Two sets of official ballots shall be provided for each polling-place for each election for use in and upon the voting machine; one set thereof shall be inserted or placed in or upon the voting machine and the other shall be retained in the custody and possession of the board of election, unless it shall become necessary during the course of the election to make use of the same upon or in the voting machine; at the close of the election all official ballots (except those actually in or upon the voting machine at the close of the election), whether the same shall have been used in the machine or not, shall be returned to the official providing the same in the manner herein provided.

Duplicate  
set of  
ballots.



If ballot  
lost, etc.,  
substitution  
allowed.

331. SEC. 20. If the official ballots for an election district or precinct, at which a voting machine is to be used, shall not be delivered in time for use on election day, or after delivery shall be lost, destroyed or stolen, the clerk or other official, or officials, whose duty it now is in such case to provide other ballots for use at such election in lieu of those lost, destroyed or stolen, shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the inspectors of election shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been; such ballots so substituted shall be known as unofficial ballots.

Unofficial  
ballots.

Arrangement  
of polling-  
room.

332. SEC. 21. At all elections whereat voting machines may be used, the arrangement of the polling-room shall be the same as near as may be as is provided for elections under the ballot reform law (so called); the exterior of the voting machine and every part of the polling-room shall be in plain view of the election officers; the voting machine shall be placed at least three feet from every wall or partition of the polling-room and at least three feet from the outer guard-rail and at least four feet from any table whereat any of the election officers may be engaged or seated; a guard-rail shall be constructed at least three feet from the machine with an opening, or openings, to permit the entrance and exit of voters to and from the machine; no person shall be permitted in or about the polling-room except as now provided for by law in elections where ballots and ballot-boxes are used.

Clerk's duty  
in providing  
machine,  
furniture,  
etc., for  
polling places.

333. SEC. 22. It shall be the duty of the clerk of any municipality wherein at any election a voting machine, or machines, is or are to be used to cause the machine, or machines, and all necessary furniture and appliances to be at the proper polling-place or places before the time

fixed for opening the polls on election day, with the machines properly equipped with the official ballots, and the counters set at zero, and otherwise in good and proper order for use at such election; and for the purpose of so labelling the machine, putting in order, setting and adjusting and delivering the same, the municipal authorities may employ one or more competent persons and cause him or them to be paid out of the municipal treasury in the same manner that other expenses incurred by the said board are paid; the officers to conduct said election and the clerks thereof shall be in attendance at least forty-five minutes before the time fixed for opening the polls; the election officers shall thereupon cause the two sample or instruction cards to be posted conspicuously within the polling-place; in addition to the information afforded by such sample or instruction cards, the election officers shall give to the voter while he remains outside the outer guard-rail, such information and aid as may be in their power when requested by the voter to enable him properly to cast his vote when he shall enter the voting machine booth; if not previously done, the election officers shall before declaring the polls open, insert in their proper place or places on or in the voting machine, the ballots containing the names of offices to be filled at such election and the names of the candidates nominated therefor, and compare the same with the sample ballots; if not previously done they shall, before declaring the polls open, place all the counters on the voting machine so as to register zero, and shall not permit such counters to be operated except by voters in voting; before the opening of the polls each election officer shall carefully examine every counter and see that it registers zero, and the same shall be subject to the inspection of the official watchers and interested parties; the election officers shall see that the machine is otherwise in perfect order for the election, and they shall not thereafter permit the counters to be operated or moved

Preliminary  
duties of  
election  
officers.

Ballots  
inserted.

Counters  
set at 0.



Provision for  
irregular  
ballots.

Multi-  
candidate  
group.

Voting  
irregular  
ballots.

Split ballot.

Size, etc., of  
split ballots.

except by electors in voting; and they shall also see that all necessary arrangements and adjustments are made for voting irregular ballots on the machine; ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are herein referred to as irregular ballots; where two or more candidates are to be elected to the same office, the voting devices belonging to all the candidates for said office shall be included in a group herein referred to as a multicandidate group; in all multicandidate groups, except presidential electors, the name of each nominated candidate shall be placed upon or adjacent to a separate key or voting device, and all split ballots which are confined to the nominated candidates shall be voted on such keys or voting devices; except for presidential electors no irregular ballot shall be voted for any person for any office whose name appears on the ballot on the front of the machine as a candidate for that office; any irregular ballot so voted shall not be counted; an irregular ballot must be cast in its appropriate place on the machine or it shall be void and not counted; in voting for presidential electors an elector may vote in the irregular balloting device a ticket made up of names of persons in nomination by different parties, hereafter referred to as a split ballot, or partially of the names of persons so in nomination, and partially of persons not in nomination, or wholly of names of persons not in nomination by any party, hereafter referred to as an irregular ballot; such split or irregular ballot for presidential electors shall be deposited, written or affixed in or upon the receptacle or device provided on the machine for the purpose; the split or irregular ballots for presidential electors may be of any size and form best suited to the convenience of the voter and the requirements of the machine; the candidates' names may be written or printed thereon, in one or more columns, and the ballots need not contain any other than the names of the candidates voted for; names



on such split or irregular ballots for presidential electors which have been crossed off with the intention of cancellation, shall not invalidate said ballots, nor shall the ballot be considered marked, anything in the general election laws to the contrary notwithstanding.

334. SEC. 23. Where a voter presents himself for the purpose of voting, the election officers shall ascertain whether his name is upon the register of voters, and if his name appear thereon and no challenge be interposed, or if interposed be not sustained, one of the election officers to be stationed at the entrance through the outer guard-rail shall announce the name of the voter and permit him to pass through the entrance opening in the outer guard-rail to the booth of the voting machine for the purpose of casting his vote; no voter shall remain in the voting machine booth longer than two minutes, and having cast his vote the voter shall at once emerge therefrom and leave the polling-room by the exit opening in the outer guard-rail; if he shall refuse to leave after the lapse of two minutes, he shall be removed by the election officers; the election officers shall record the name and address of each voter in the manner now provided by law as he enters the voting machine booth for the purpose of voting; no voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever; only one voter at a time shall be permitted to pass the outer guard-rail to vote.

Manner of voting.

Two minutes allowed.

335. SEC. 24. In case any voter after entering the voting machine booth shall ask for further instructions concerning the manner of voting, an election officer shall stand outside the voting machine booth, canopy or curtain, and give such instructions or directions to the voter as the election officers may agree upon; but no election officer assisting or instructing a voter shall in any manner, request, suggest or seek to influence, persuade or control any such voter to vote any particular ticket or for

Assistance in voting.

any particular candidate, or for or against any particular amendment, question or proposition; after receiving such instructions or directions, the voter shall vote as in the case of any unassisted voter; during the entire period of an election at least one of the election officers, to be designated from time to time by the chairman, shall be stationed beside the entrance to the booth and shall see that it is properly closed after a voter has entered it to vote; he shall also, at such intervals as he may deem proper and necessary, examine the face of the machine to ascertain whether it has been defaced or injured, to detect the wrongdoer and to repair any injury; in case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, it shall be the duty of the election officers immediately to give notice thereof to the body providing such machine, and it shall be the duty of such body, if possible, to substitute a perfect machine for the injured machine, and, at the close of the polls, the records of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the result of the election; but if no other machine can be procured for use at such election, and the one injured cannot be repaired in time for further use at such election, the officers of said election may permit the use of unofficial ballots by the voters, which ballots may be received by the election officers and placed by them in a receptacle to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; the unofficial ballots thus voted shall be preserved and returned as herein directed with a certificate or statement, setting forth how and why the same came to be voted.

When  
machine  
inoperative.

Use of  
unofficial  
ballots.

336. SEC. 25. At least two keys that cannot be interchangeably used shall be provided for locking each voting machine against voting; said keys shall be delivered to election officers of different political parties, who shall retain the same in their possession and deliver them to the clerk of the said municipality wherein such election is held, not later than four P. M. of the day next following the election; each key shall be placed upon a string or wire, labeled with the make and number of the machine and district at which it is used; the clerk to whom said keys are so delivered shall securely keep the same, and not permit the same, or any of them, to be taken, or any voting machine to be unlocked for a period of thirty days from and after the election, unless by order of a court of competent jurisdiction; at the end of thirty days said keys shall be subject to the order of the officer or officers having charge of the machines.

Locking  
machine;  
keys.

337. SEC. 26. The election officers may take such adjournment where voting machines are used as is permitted by the general election laws in force at the passage of this act; the voting machine shall not be removed from the polling-room or outside the guard-rail during said adjournment, and it shall at all times during such adjournment be under the constant care, watch and oversight of two of the election officers of opposite political parties, who shall not, during such adjournment, allow any person other than the election officials, to pass within the guard-rail, and said election officers shall not permit any person to interfere or tamper with said machine, nor shall said election officers interfere or tamper with the same during such adjournment; when such adjournment is taken said machine shall be securely locked against voting and so as to prevent its use for any purpose; at the end of such adjournment and when voting is ready to be resumed, the machine shall be unlocked by the election officers and the election proceeded with without further adjournment until the time for closing

Adjourn-  
ment; care  
of machine.



Closing  
polls.

the polls shall arrive; closing of the polls, in cases where voting machines are used, shall be deemed to mean that a voter entitled to vote, and who shall have passed within the outer guard-rail for that purpose before the time fixed by law for closing the polls, shall be allowed to complete the act of voting.

Determina-  
tion of  
balloting.

338. SEC. 27. Immediately upon the close of the polls, the election officers shall lock the voting machine against further voting and open the counting compartment in the presence of persons who may be lawfully present at that time, giving full view of all the counter numbers; the chairman of the board of registry and election shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counter numbers, and shall then read the votes recorded for each office on the independent ballots; he shall also, in the same manner, announce the vote on each constitutional amendment, proposition or other question; as soon as the result for each office and on each amendment, proposition or other question is ascertained, the poll clerks shall record the same and submit their records to the election officers for examination, and if found to be correct the chairman shall at once announce the vote for each office, amendment, proposition or other question, and said result shall thereupon be certified and returned and proceeded with the same in all respects as though the said election had been held and conducted by the use of a ballot-box, and as provided by the laws in force at the passage of this act.

Announce-  
ment of  
result.

Securing  
machine  
after  
election.

339. SEC. 28. The election officer shall, as soon as the count is completed and fully ascertained, as by this act required, lock the machine against voting or any other use; and it shall so remain for a period of thirty days, except by order of a court of competent jurisdiction; the election officers shall return the keys to the clerk of the municipality as aforesaid charged with the

care and custody of the keys; whenever irregular ballots of whatever description have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots," and return and file such package with the original statement of the result of the election made by them; said package shall be preserved for six months next succeeding such election, and it shall not be opened or its contents examined during that time except by order of a judge or a court lawfully empowered to direct the same to be opened and examined; at the end of said six months said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

Irregular  
ballots.

340. SEC. 29. When one or more voting machines are adopted and purchased by the state or any county, the party or parties or corporation of whom the same are purchased shall give a bond to the state or such county with sufficient surety or sureties to keep such machine or machines in good working order and condition for two years, at the cost and expense of such parties or corporation (unless the same has been damaged, injured or destroyed by the willful act, carelessness or negligence of others, or by inevitable accident.)

Guarantee  
by seller.

341. SEC. 30. If any person who has entered a voting machine for the purpose of voting shall remain therein longer than by this act allowed, and shall not forthwith, on notice to do so given him by the board of election, or any member thereof, quit and emerge from said voting machine, he may be immediately removed therefrom by the election officers, or they may await his coming out, and any person who shall remain in said voting machine contrary to the provisions of this section shall forfeit and pay for each offense a sum not exceeding one hundred dollars, and in default of the payment of the fine as imposed may be imprisoned in the county jail of the county where the offense was committed for a period not ex-

Removal of  
person from  
booth.



ceeding sixty days; the proceeding for the recovery of the penalty shall be by complaint by any one of the election officers before any justice of the peace, police recorder or police magistrate, who are hereby empowered to hear and determine said matter without the filing of any pleadings either on behalf of the plaintiff or defendant; the penalty, when recovered, shall be paid over to the treasurer of the municipality where the offense occurred.

Unauthorized possession of, or tampering with, machine.

342. SEC. 31. Any unauthorized person found in possession of any such voting machine or keys thereof shall be deemed guilty of a misdemeanor and fined in a sum not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail not less than ten nor more than thirty days; and any person willfully tampering or attempting to tamper with, disarrange, deface or impair in any manner whatsoever, or destroy any such voting machine while the same is in use at any election, or who shall, after such machine is locked in order to preserve the registration or record of any election made by the same, shall tamper or attempt to tamper with any voting machine, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the state prison of this state at hard labor for not less than three nor more than ten years.

Sample voting machine in clubs, etc.

343. SEC. 32. It shall be lawful for any political body, club, organization or association to purchase a voting machine or machines of the kind or kinds adopted and authorized to be used within the municipality where such political body, club, organization or association may be located, for the purpose of instructing its members and voters generally in the use of such machine or machines; any such machine or machines purchased for the purpose aforesaid shall have plainly painted, marked or stamped thereon the words "sample voting machine;" it shall also be lawful for any such body, club, organization or association to have in its possession a diagram or



model of any such voting machine or machines as aforesaid for the purpose of instructing its members and voters generally in the use of such machines; *provided*, that such diagrams or models are marked "sample diagram" or "sample model," as the case may be.

Proviso.

344. SEC. 33. In voting for or against any constitutional amendment, proposal to bond, the issue of bonds or any question or proposition to be voted on, the assent or dissent of the voter to any such amendment, question or proposition may be expressed either by the words "for" or "against," or "yes" or "no."

Voting on amendments.

345. SEC. 34. It shall be the duty of the election officers of the respective municipalities in this state in which voting machines have been or shall hereafter be placed, on the last regular registration day, to give instructions as to the use of voting machines to all voters who shall apply for the same.

Instruction in use of machine by election officers.

346. SEC. 35. Whoever at any election, knowing that he is not a qualified voter, votes thereat; whoever at any election votes or attempts to vote more than once in his own name; whoever at any election votes or attempts to vote in more than one election district or precinct; whoever at any election votes or attempts to vote upon any name other than his own; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote thereat, knowing that he is not a qualified voter; whoever at any election counsels, procures, aids, advises, assists or abets any person in voting in more than one voting district or precinct; whoever at any election counsels, procures, aids, advises, assists or abets any person to vote or attempt to vote upon any name other than his own; whoever at any election in this state shall in any way willfully mark or deface any ballot, or shall willfully counsel, procure, aid, advise, assist or abet any person in the marking or defacing of any ballot; whoever at any election in this state shall make a false affidavit for any purpose; whoever at any election

Illegal voting or action at polling place.

shall in any way counsel, procure, aid, advise, assist or abet any official or person in doing any act which is contrary to the provisions of this act or abstain from the doing of any act which is enjoined by the provisions of this act; whoever at any election in this state shall in any way willfully hinder or prevent a voter from casting his legal vote, knowing such person to have a right to vote; whoever shall willfully tamper with, injure, mutilate, destroy or render unfit for use any voting machine or any part thereof, shall forfeit and pay for each offense a sum not exceeding one hundred dollars, and in default of the payment of the fine as imposed may be imprisoned in the county jail of the county where the offense was committed for a period not exceeding ninety days; the proceedings for the recovery of the penalty shall be by complaint by any citizen before any justice of the peace, police recorder or police magistrate, who are hereby empowered to hear and determine said matter without the filing of any pleadings either on behalf of the plaintiff or defendant; the penalty, when recovered, shall be paid over to the treasurer of the municipality where the offense occurred.

Penalty.

Proceedings  
for recovery.

Obligations  
of election  
officers.

347. SEC. 36. Any public officer or election officer whatsoever of this state, or of a city, borough, town, township, municipality or election district or precinct, upon whom a duty is imposed by the provisions of this act and the act to which it is a supplement, who refuses or willfully neglects or willfully fails to perform such duty, or who willfully performs it contrary to the law, or in such a way as to hinder the objects of this act, shall for each offense, if no other penalty is herein specifically imposed for such offense, be guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the state prison for a term not exceeding three years, or by both such fine and imprisonment.

Penalty.

348. SEC. 37. It shall be the duty of the state board of voting machine commissioners to have all voting machines inspected before the general election in each year, and to make once a year a report of their work to the governor; the state board of voting machine commissioners shall receive a per diem of ten dollars to each member of said board for each day spent in performance of the duties imposed by this act, and all the disbursements and expenses incurred by the said state board of voting machine commissioners in carrying out the provisions of this act shall be paid out of any moneys in the state treasury not otherwise appropriated; *provided*, that no per diem shall be allowed for the examination of any machine; all bills for services shall be first approved by the governor.

Inspection  
of machines;  
annual  
report.

Commis-  
sioners to  
receive per  
diem.

Proviso.

349. SEC. 38. All laws relating to elections now in force in this state shall apply to all elections under this act so far as the same may be applicable thereto; so far forth as any law or parts of laws now in being are now inconsistent with or repugnant to this the same are hereby repealed.

Application  
of election  
laws.

## CHAPTER 234.

A Supplement to an act entitled "An act to regulate elections" (Revision of 1896), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

350. SEC. 1. It shall be the duty of all town, township, borough, city or other municipal clerk, at least forty-five days before any general or State election, to

Statement  
by municipal  
clerk of  
offices to be  
filled.



make and certify under their hands and seals of office and forward to the clerk of the county in which such town, township, borough, city or other municipality is located a statement designating the town, township, borough, city or other municipal offices which are to be filled at such election, and the number of persons to be voted for each office.

Offices to be  
filled  
printed on  
ballot.

351. SEC. 2. It shall be the duty of the county clerk of each county, in the preparation of official ballots under the act to which this act is a supplement, to place on such official ballots for each party or group of petitioners having candidates to be voted for at any election the name or title of each office to be filled at such election, whether such party or group of petitioners shall have made any nomination for such office or not.

352. SEC. 3. This act shall take effect immediately.  
Approved May 16, 1906.

## CHAPTER 158.

A Supplement to an act entitled "An act concerning townships (Revision of 1899)."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Townships  
divided  
into wards.

353. SEC. 1. All townships in this State having a population of more than eight thousand (8,000) inhabitants, as shown by the official State or United States census, shall be divided into not less than three (3) wards. Each ward shall consist of a contiguous territory and shall contain, as nearly as possible, an equal

number of inhabitants; *provided, however*, that where any such township shall heretofore have been divided into three or more wards, such division shall continue until changed in accordance with the terms and provisions of this act. Proviso.

354. SEC. 2. The township committee of any township in this State having a population of more than eight thousand (8,000) inhabitants, as shown by the official State or United States census, shall have two members from each ward, who shall hold office for the term of two years, and one member-at-large, who shall hold office for the term of one year; and a majority of the members of such committee shall constitute a quorum for the transaction of business; and no ordinance or resolution shall be adopted except by a vote of a majority of the members thereof. Members of township committee.

355. SEC. 3. The members of each ward and the member-at-large shall be elected at the annual township election; *provided, however*, that the members of the township committee in such townships, legally in office when this act shall take effect, shall continue in office and constitute such township committee until twelve o'clock noon of the first day of January next succeeding the date this act shall take effect in such township, and no longer. When elected.

The first election for committeemen under this act shall be held at the first annual township election after division of such township into wards as herein provided for, or in the event of any township now being divided into wards as provided by this act, the first election hereunder shall be held at the first annual township election after the passage of this act. Proviso.

356. SEC. 4. The division of said townships into wards shall be made by a board of three commissioners to be appointed by the judge of the Circuit Court of the county in which said township is located; said commis- First election.

How division made.

sioners to be freeholders of such county and to be appointed by said judge upon the petition in writing of at least fifty (50) of the legal voters of said township.

Com-  
mis-  
sioners' ap-  
pointment  
and duties.

Immediately upon the presentation of such petition the judge of the said Circuit Court shall appoint such commissioners, who shall forthwith proceed, after being duly sworn by the clerk of the county to perform their duties faithfully, to make a division of such township into wards, as provided in this act; and the report of the said commission, signed by at least two members thereof, shall be filed in the office of the clerk of the county wherein such township is located, and a certified copy thereof shall be filed by such commission with the clerk of the township.

When  
division  
established.

357. SEC. 5. The filing of the report of the commission with the clerk of the county and the filing of a certified copy thereof with the town clerk shall operate to establish a division of such township into wards.

When pres-  
ent method  
applies.

358. SEC. 6. In the event of their being no application made to the judge of the Circuit Court for the appointment of commissioners then the method of selecting such committeemen in such townships, or any of them, shall continue to be the same as that required by law at the time of the passage of this act.

Compensation.

359. SEC. 7. The commissioners appointed by the court shall receive such compensation for their services as the court may determine, such compensation to be paid by the township, and the money therefor shall be raised by taxation in such township.

As to re-  
division.

360. SEC. 8. In any township divided into wards, as provided by this act and under and by virtue of the terms of this act, there shall not be a re-division, or a changing of the ward lines, until official declaration of the next State or United States census.



361. SEC. 9. Nothing herein contained shall be construed to affect or provide for the division into wards of municipalities, the boundaries of which shall be co-terminous and co-extensive with the boundaries of the township of which they are a part.

Municipalities excepted.

362. SEC. 10. All acts or parts of acts, general or special, inconsistent herewith are hereby repealed.

Repealer.

363. SEC. 11. This act shall take effect immediately.

Approved April 30, 1906.

## CHAPTER 206.

A Supplement to an act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

364. SEC. 1. Any person who shall, directly or indirectly, by himself or by any other person in his behalf, give, lend, or agree to give or lend, or procure, or agree to procure or offer or promise to procure, or endeavor to procure, any money or other valuable consideration or thing, or any office, place or employment to or for any voter, or to or for any person, in order to induce such voter to vote or refrain from registering or voting at any election, or shall corruptly do or commit any of the acts in this section mentioned, on account of any voter having voted or refrained from voting, or having registered or refrained from registering for any election, shall be guilty of a misdemeanor, and upon convic-

Bribery at election a misdemeanor.

## Penalty.

tion thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction.

## Contributing with view to bribery a misdemeanor.

365. SEC. 2. Any person who shall give, advance or pay, or cause to be given, advanced or paid, any money or other valuable thing to any person, or to the use of any other person, with the intent that such money or other valuable thing, or any part thereof, shall be expended, or used for bribery of voters, or for any other unlawful purpose at any election, or who shall knowingly pay, or cause to be paid, any money to any person wholly or in part expended in bribery of a voter or voters at any election, shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to disfranchisement for five years from the date of conviction.

## Penalty.

## Receiving rewards or promises a misdemeanor.

366. SEC. 3. Any person who shall, directly or indirectly, by himself, or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election, or for registering or agreeing to register, or for refraining or for agreeing to refrain from registering for any election, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to disfranchisement for a period of five years from the date of conviction.

## Penalty, disfranchisement.

## Illegal for employer to influence employee improperly.

367. SEC. 4. Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person who-soever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm, or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote

or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce, or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to disfranchisement for a period of five years from the date of conviction. Penalty.

368. SEC. 5. Any person who, having once been convicted of a violation of any of the provisions of this act, shall again be convicted of a violation of any of the provisions of this act, whether such conviction be for the same offense or not, shall, on such second conviction, be sentenced to disfranchisement and to pay a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding five years, or both, at the discretion of the court. Penalty for second offense.

369. SEC. 6. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court on any indictment for violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal proceeding or action. Compulsory testimony.

Incriminating testimony not used against witness.



Repealer.

370. SEC. 7. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

371. SEC. 8. This act shall take effect immediately.

Approved May 3, 1906.

## CHAPTER 208.

An Act to define the crime of bribery and to provide for the punishment therefor.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Bribery.

372. SEC. 1. Any person who shall do any act hereinafter prohibited shall be deemed guilty of the crime of bribery and shall be punished therefor as hereinafter provided.

No contributions or promises.

373. SEC. 2. No person shall give or agree to give for the purpose of promoting or procuring the election of a candidate for public office, or for the purpose of promoting or procuring the nomination of any person as a candidate for public office, any money or any valuable thing to be used for any of the purposes hereinafter enumerated.

Entertainment.

(a) To provide or give or to pay, wholly or in part, the expense of giving or providing any meat, drink, entertainment or provision to or for any person for the purpose of influencing that person or any other person to give or refrain from giving his vote at any election, or on account of any such person or any other person having voted or refrained from voting.

Clubs.

(b) To provide for the payment of rent for or for the purpose of providing and fitting up any clubroom for social or recreative purposes, or providing for uniforms for any organized club.

Literature.

(c) To provide for the payment for the insertion in

any newspaper or magazine of any article tending to influence any voter; *provided, however,* that this prohibition shall not be construed to prohibit the insertion of paid advertisements, which advertisements shall be indicated by the words "This advertisement has been paid for by . . . . . ." (inserting the name of the person or persons paying for the same).

Proviso;  
paid adver-  
tisements.

374. SEC. 3. No person shall accept any money or other valuable thing, the payment of which is prohibited by this act.

Not accept  
gift.

375. SEC. 4. Any person found guilty of bribery as hereinabove defined shall be guilty of a misdemeanor, and upon conviction thereof shall, for the first offense be disfranchised for a period of two years from the date of such conviction, and for any subsequent offense shall be perpetually disfranchised, and in addition thereto the court in which such conviction is obtained, may, in its discretion, in case of a subsequent conviction, impose upon the person so convicted, the punishment now prescribed by law for a misdemeanor.

Penalty for  
violations.

376. SEC. 5. No person called to testify in any proceedings under this act shall be liable to a criminal prosecution, either under this act or otherwise, for any matters or causes in respect to which he shall be examined, or to which his testimony shall relate, except to a prosecution for bribery committed in such testimony; nor shall any person, when called to testify in any trial for a violation of this act, be privileged to refuse to answer any questions which may be asked him, upon the ground that the same will tend to degrade or incriminate him.

Incriminating  
testimony  
not used  
against  
witness.

377. SEC. 6. Nothing in this act contained shall be construed to alter, modify, amend or repeal any statute of this State imposing any penalty for any offenses in connection with the holding of an election; *provided, however,* that this section shall not be construed to alter or modify the provisions of section five of this act.

Construction  
of act.

Proviso.

378. SEC. 7. This act shall take effect immediately.

Approved May 3, 1906.

## CHAPTER 296.

A Supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Schedule of  
appropriations  
on primary  
ballots.

379. SEC. 1. The members of any political party which now is or may hereafter be entitled to nominate candidates at the primary elections provided for in the act to which this act is a supplement, in all municipalities where tax levies and appropriations of money to be raised by tax are fixed by vote of the people, in addition to nominating delegates or candidates at such primary elections, may also vote for a schedule of appropriations to be placed on the party ticket at the ensuing election; if the petitioners nominating candidates for office or for delegates shall include in their petition an endorsement of any proper schedule of appropriations, accompanied with a prayer that the schedule of appropriations be placed on the primary ballots, the clerk or other officer whose duty it may be to prepare the primary ballots shall place thereon such a schedule of appropriations according to the prayer of such petition. The result of such primary election in the premises shall be certified as in the case of candidates nominated at said election. Nominations of candidates by petition may also endorse a schedule of such appropriations. The party ballot or party column of any voting machine shall contain the schedule of appropriations as determined by the voters at such primary election, as prayed for in any such petition.

Result.

380. SEC. 2. This act shall take effect immediately.  
Approved May 24, 1906.



## CHAPTER 34.

A Further Supplement to an act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight. [P. L. 1907.]

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

381. No insurance corporation or association doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee, organization or corporation, or for or in aid of any candidate for political office, or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. Any officer, director, stockholder, attorney or agent of any corporation or association which violates any of the provisions of this act, who participates in, aids, abets, or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this act, shall be guilty of a misdemeanor.

Political contributions by insurance companies prohibited.

Violation a misdemeanor.

No person shall be excused from attending and testifying, or producing any books, papers or other documents, before any court or magistrate upon any investigation, proceeding or trial, for a violation of any of the provisions of this act, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall

Witnesses must testify.

be used against him upon any criminal investigation or proceeding.

Approved April 10, 1907.

## CHAPTER 268.

An Act to abolish the "State Board of Voting Machine Commissioners," and to cast the duties of said commissioners upon the Secretary of State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Duties of  
voting  
machine com-  
mission trans-  
ferred to  
secretary of  
state.

382. SEC. 1. The "State Board of Voting Machine Commissioners" is hereby abolished, and all the powers and duties now exercised and performed by said commissioners are hereby devolved upon and shall be exercised and performed by the Secretary of State of this State.

As to appro-  
priations.

383. SEC. 2. All appropriations of money made to said "State Board of Voting Machine Commissioners" shall enure to the Secretary of State for the purpose of carrying out this act; *provided, however,* that for services rendered by the Secretary of State in the performance of the duties herein imposed upon him he shall receive no compensation in addition to his present salary as Secretary of State.

Proviso.

384. SEC. 3. This act shall take effect immediately.  
Approved October 12, 1907.

## CHAPTER 278.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April fourth, one thousand eight hundred and ninety-eight," which further supplement was approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

385. SEC. 1. Hereafter all candidates of political parties for the following offices, to wit, members of state senate, members of general assembly, county clerk, surrogate, register of deeds, sheriff, county supervisor coroner, mayor and for all elective offices of any county in this state, to be voted for at the general election for members of the general assembly, by the voters of any county in the state, or of any political subdivision thereof shall be nominated directly without the intervention of delegates or conventions, at the primary elections held pursuant to the act to which this act is a supplement, and the acts amendatory thereof and supplemental thereto; *provided*, that the provisions of this act shall not apply to the nomination of candidates for representatives in congress.

Direct  
nominations  
at primaries.

Proviso.

386. SEC. 2. Not less than one hundred voters of any political party may file with the county clerk of their county a petition or petitions endorsing any member or members of their political party as a candidate or candidates for the nomination of said party to any public office of any county and requesting that the name of the person or persons so endorsed be printed upon the official primary ballot of such political party. The said petition or petitions shall be signed in the manner and form provided for the signing and filing of nominating

Petition to  
place names  
on primary  
ticket.



Time for  
filing.

[Amended,  
P. L. 1910,  
p. 249.]

Ballot pre-  
pared by  
municipal  
clerk.

Arrangement  
of names.

Result of  
primary  
election filed  
with county  
clerk, who is  
to canvass  
returns.

[Amended,  
P. L. 1908,  
p. 413.]

petitions under the act to which this act is a supplement, and shall have attached thereto the affidavit and acceptance as required by said act. Said petition or petitions shall be filed with the respective county clerks at least twenty days prior to the time fixed by law for the holding of such primary election, and the said county clerk shall certify all of said nominations to the clerks of each municipality in his respective county at least fifteen days prior to the time fixed by law for the holding of said primary elections, specifying in said certificate the political party to which the person or persons so nominated belong, and said municipal clerks shall each respectively prepare the official primary ballot as required by the act to which this act is a supplement and shall cause to be printed upon the respective tickets for each political party under the name of the office or offices to be filled, the names of all persons so certified as nominated for the respective offices to be filled, in addition to the other names to be printed thereon as required by law. In all cases where more than one person is to be elected to the same or similar office, and the petitioners desire and so request in their petition, the municipal clerk instead of printing the names of the various persons so nominated on the primary ballot, alphabetically, as now provided by law, shall print all of the names so endorsed in said petition consecutively, and shall bracket all of the names in said petition under the names of the offices to be filled.

387. SEC. 3. The board of registry and election in each election district of every county in this state shall include the results of such primary election as to the candidates affected by this act in the statement which they are now required by law to transmit to the municipal clerk, and the said municipal clerk shall forthwith transmit the said results to the county clerk, who shall forthwith canvass said returns, and the person having in the aggregate the highest number of votes shall be the candi-

date of his respective party for the office to be filled. In case more than one person is to be elected to the same or similar office, the persons having the highest number of votes to the extent of the number of offices to be filled shall be the candidates of their respective parties for the said offices. In the event of a failure to select a candidate of any political party for any office affected by this act, by reason of two or more persons receiving the highest and the same number of votes, the chairman of the county committee of said political party shall select from said candidates one to be the party candidate for the office in question, and file a statement of such selection with the county clerk, and the person so selected shall be the candidate of the party at the ensuing election. The county clerk shall cause to be printed upon the official ballots of the respective political parties, to be used at the succeeding general election, the names of the candidates nominated as aforesaid to fill the respective offices.

Names of  
candidates on  
ballots.

388. SEC. 4. Not less than fifty voters of any political party in any municipality of this state other than a county, may file with the clerk of such municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office in said municipality in accordance with and in the manner provided by the act to which this is a supplement for the endorsing of candidates for nomination in a single ward or township, and such municipal clerk shall cause the names of all persons so nominated to be printed upon the official primary ballots of the respective political parties, in the election districts, the voters of which are entitled to vote for such candidate, and the result of said primary election shall be transmitted to the municipal clerk, and by him to the county clerk of said county in the manner provided in the preceding section of this act, and the person receiving the highest number of votes shall be the candidate of his political party at the ensuing election, and the county clerk shall

Endorsement  
by petition to  
place name  
on primary  
ticket.  
[Amended,  
P. L. 1908,  
p. 413.]

Name on

Proviso.

cause his name to be printed as such candidate upon the official ballot of his party, to be used in the election districts entitled to vote for said office; *provided*, that nothing in this section contained shall interfere with or alter the provisions of an act to which this act is a supplement, providing for the nomination of candidates for public office in a single borough, ward or township.

Act, how  
construed.

389. SEC. 5. The provisions of this act shall be construed in conjunction with the provisions of the act to which this is a supplement and the several supplements thereto and amendments thereof, and said acts shall apply to the nominations provided by this act, except where inconsistent therewith.

Amended,  
P. L. 1908,  
p. 413.

390. SEC. 6. This act shall take effect immediately.

Approved October 28, 1907.

## CHAPTER 281.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," which further supplement was approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Expression of  
voter at  
primaries for  
U. S. senator.

391. SEC. 1. In any year preceding the election by the legislature of a United States senator it shall be lawful, at the primary election of any political party entitled to hold an election under the provisions of the act to which this act is a supplement, for the voters of such political party in this state to express, in the man-



ner hereinafter provided, the preference of said voters for United States senator.

392. SEC. 2. Not less than one thousand voters of such political party may file with the secretary of state a petition or petitions in the form required for the nomination of candidates to be voted for at a primary election by the act to which this act is a supplement, except so far as the same is modified by this act, endorsing any member of their political party as a candidate for the endorsement of said political party for United States senator. Said petition or petitions shall each be verified by the oath or affirmation of two or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition, to the best of the knowledge and belief of the affiants, is signed in their proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiants, legal voters of the state, and belong to the political party named in said petition; that the person named therein has the legal qualifications for the office of a United States senator; that such petition is prepared and filed in absolute good faith for the sole purpose of securing the endorsement of the person therein named by the voters of said party for United States senator.

Nomination  
by petition.

Verified  
by oath.

Not less than twenty days prior to the holding of said primary election the secretary of state shall transmit to the county clerk of each county copies of said petition. The county clerk shall, under his hand and seal, certify to each municipal clerk in his county, not less than ten days prior to said primary election, the name or names of all persons who have been endorsed by petitions transmitted to him as aforesaid. The said municipal clerks, in preparing the official ballot to be used at the said primary election for the said political party, shall insert

Secretary of  
state to  
notify county  
clerks.

Municipal  
clerks  
notified.

thereon the words "Favored for United States Senator," and shall place thereunder the names of all persons so certified to said clerk, in alphabetical order.

Voting and canvassing.

393. SEC. 3. The voting, counting and canvassing of the votes cast for such candidates shall be the same as is provided for the voting, counting and canvassing of votes by the act to which this act is a supplement. Each municipal clerk shall, within five days after the holding of such election, certify the result of the election for endorsement for United States senator to the county clerk of his county, and the county clerk shall proceed to tabulate the result, so certified to him, and shall then certify the results to the secretary of state, who in turn shall tabulate the results, and, prior to the convening of the session of the legislature at which the election for United States senator is to be held, announce publicly the result, and certify, under his hand and seal, a statement of the total votes received in the state by each candidate for endorsement for United States senator to each member of the senate and general assembly.

Each member of legislature notified by secretary of state.

Candidates for legislature to make statement.

394. SEC. 4. In filing his acceptance of a nomination for the office of state senator or member of the general assembly, a candidate may sign and file a copy of one of the two following statements, copies of which shall be prepared by the county clerks and handed to each nominee for senator or member of the general assembly in the respective counties, and when such statement is signed and filed by the nominee, the county clerks shall receive and preserve the same as a public record, and shall publicly announce, as soon as all acceptances of nominations have been filed, what nominees or candidates have signed each form of statement :

STATEMENT NO. I.

Form of statements.

"I further state to the people of . . . . . county that during my term of office I will vote for that can-

didate for United States senator in congress who has received the highest number of votes in my party in the county for that position at the primary election next preceding the election of a senator in congress, without regard to my individual preference."

.....  
(Signature of the nominee.)

STATEMENT NO. 2.

"I further state to the people of.....countv that during my term of office I will vote for that candidate for United States senator who has received the highest number of votes in my party in the state for that position at the primary election next preceding the election of a senator in congress, without regard to my individual preference."

.....  
(Signature of the nominee.)

395. SEC. 5. This act shall take effect immediately.  
Approved October 28, 1907.

CHAPTER 16.

A Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

396. SEC. 1. All register of voters or register books which are required to be filed with the county clerks of the various counties of this state, by and under the above-stated act, shall be preserved by such county clerks for a period of five years after the holding of the general elec-

Registers kept five years and then sold as waste.



tion at which they were used, and thereafter shall be sold by such county clerks as waste paper, the proceeds to be paid into the county treasury.

Sale of past  
files.

397. SEC. 2. This act shall also authorize the several county clerks to sell all register-books, or register of voters, which have been on file five years previous to the passage of this act, the proceeds to be paid into the county treasury.

398. SEC. 3. This act shall take effect immediately.  
Approved March 17, 1908.

## CHAPTER 163.

A Supplement to an act entitled "An act to provide for the purchase of voting machines, and to regulate the use of the same at elections," approved April twenty-eighth, nineteen hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Referendum  
as to use of  
voting  
machine.

399. SEC. 1. When any voting machine has been or shall hereafter be supplied or provided, either by state or county, for any election district in this state, it shall be and hereby is made the duty of the governing body of the municipality in which such election district is situate, upon the presentation to such governing body of a petition, in writing, signed by at least twenty-five per centum of the legal voters of such election district, as shown by the registry-list for the last preceding general election, protesting against the use of such voting machines at elections to be thereafter held in such election district, to order, within fifteen days after the presentation of such petition, that a special election be held in such election district, not less than thirty days nor more than sixty days from the date of such order, to determine upon

Petition of  
voters.

Special  
election.

the retention or rejection of such voting machine; *provided*, that such election shall not be held within sixty days prior to any general election in said municipality.

Proviso.

400. SEC. 2. A special election, when ordered as hereinabove provided, shall be held at the usual place of holding elections in such election district, and public notice thereof shall be given by the clerk of the municipality in which said election district is situated by putting up an advertisement, signed by said clerk, in at least ten of the most public places within said election district, at least eight days prior to and within thirty days next preceding the day of said special election, making known the time, place and purpose of holding the same, and also by publishing said advertisement in two or more newspapers published or circulating in said municipality to be designated by the governing body thereof, for at least two insertions within the time aforesaid. Said special election shall be conducted in accordance with the provisions of "An act to regulate elections (Revision of 1898)," approved April fourth, eighteen hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto, so far as the same may be applicable, except as modified by this act.

Notice of election.

Election, how conducted.

401. SEC. 3. At any election held in accordance with the provisions of this act the votes shall be by ballot, which shall have thereon legibly printed or written, or partly printed and partly written, with black ink or pencil, either the words "For the voting machine," or the words "Against the voting machine." The ballots shall be deposited in a ballot-box, and need not be what is known as "official ballots." At such election no proposition shall be submitted except the foregoing. There shall be no registration for said election, but the board of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said

Ballots.

Register of voters used.



register, unless said voter shall appear in person before said board and satisfy said board by affidavit, which the said board is hereby authorized to take, that said voter has acquired the right of suffrage in said election district since said registration was made.

Duplicate  
statement of  
result.

402. SEC. 4. The district board of election, after canvassing and counting the votes cast at such special election, shall make duplicate statements of the result thereof and certify the same in the usual form, and shall, within two days next after said election, deliver two of said statements to the clerk of the municipality in which said election district is situate, who shall thereupon file one of said statements in his office, and, in case a majority of the ballots cast at said election shall have thereon the words "Against the voting machine," deliver or safely transmit the other statement to the secretary of state of this state in case the voting machine in said election district has been supplied by the state, or to the county clerk of the county in case said voting machine has been supplied by the county.

Disposition  
of state-  
ments.

If machine  
displaced,  
ballot-box  
to be used.

403. SEC. 5. If a majority of the ballots cast at such special election shall contain the words "Against the voting-machine," it shall no longer be the duty of the persons appointed to conduct the election in said election district to use the said voting machine at elections thereafter to be held therein, as provided by the act to which this is a supplement, but the use of said voting machine at elections in said election district shall cease, and at all elections there shall be used in place thereof a ballot-box and ballots, as provided by an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto. The said voting machine shall in such case be held by the governing body of the municipality in which the election district is situate, subject to the order of the secretary of state or the board of chosen

Disposition  
of machine.



freeholders, or governing body of the county, whichever shall have supplied the same, nor shall any voting machine be thereafter placed or used in said election district except upon the request in writing of a majority of the registered legal voters of said district.

404. SEC. 6. If a majority of the votes cast at such election shall be "For the voting machine," it shall not be lawful for the governing body of the municipality in which the election district is situated to order another special election to be held in such district to determine upon the retention or rejection of such voting machine until after the lapse of at least two years from the date of the order for such prior special election.

If machine retained, no submission of question for two years.

405. SEC. 7. Any legal voter of any election district within which a special election shall have been held as hereinabove provided may contest the validity of such special election by filing a petition, duly verified, with the judge of the court of common pleas, or with the judge of the circuit court of the county in which such election district is situated, within ten days after such election, setting forth the grounds for contest. The judge, upon the filing of said petition, shall forthwith issue a summons, addressed to the district board of election of the election district in which such special election shall have been held and to the clerk of the municipality within which such election district is situated, notifying said board and clerk of the filing of such petition and directing them to appear before said court with the ballot-box containing the ballots cast at such special election, at a time and place named in said summons, which time shall not be more than fifteen days nor less than five days from the date of said summons. The judge issuing such summons shall have jurisdiction to hear and finally determine the merits of said petition, and the proceedings thereon shall conform as near as may be to the provisions with respect to contested elections contained in an act entitled "An act to regulate elec-

Validity of election may be questioned.

Ground for contest.

Hearing.

Law applicable.

Security  
furnished.

tions (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto. The judge to whom said petition is presented shall require the person or persons presenting the same to furnish security for the cost of the proceedings thereon before permitting such petition to be filed or issuing the summons as hereinbefore provided.

406. SEC. 8. This act shall take effect immediately.  
Approved April 10, 1908.

## CHAPTER 208.

A Supplement to an act entitled "A supplement to an act entitled 'A further supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight,' which further supplement was approved April fourteenth, one thousand nine hundred and three," and which supplement was approved October twenty-eighth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Petition to  
place names  
for free-  
holder on  
primary  
ticket.

407. SEC. 1. In all cases where the voters of two or more municipalities of this state vote jointly for the office of chosen freeholder not less than three legal voters of any political party in each municipality may file with the clerk of their respective municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to the said office of chosen freeholder, in the manner provided by the act to which this act is a supplement for the endorsing of candidates for nomination in a single ward or township. And such municipal clerk shall cause the names of all persons so nominated to be printed upon the official primary ballots of his municipality, and the re-



sult of said primary election shall be transmitted to the municipal clerk, and by the municipal clerk in each of said municipalities to the county clerk of said county in the manner provided in the act to which this act is a supplement; and the person receiving in the aggregate the highest number of votes in the various municipalities entitled to vote for said office, shall be the candidate of his political party at the ensuing election; and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party to be used in the election districts entitled to vote for said office.

Candidate of  
party at  
ensuing  
election.

408. SEC. 2. This act shall take effect immediately.

Approved April 13, 1908.

## CHAPTER 123.

A Supplement to an act, entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

409. SEC. 1. Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, unless there appears upon such circular or poster, in a conspicuous place, either the names of the chairman and secretary, or of two officers of the political or other organization issuing the same, or of some voter who is responsible therefor, with his name and post office address shall be guilty of a misdemeanor.

Responsibility  
for election  
publications.

410. SEC. 2. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

411. SEC. 3. This act shall take effect immediately.

Approved April 16, 1909.



## CHAPTER 40.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Acceptance of  
nomination  
necessary to  
place name  
on ballot.

412. SEC. 1. If at any primary any person is nominated as a candidate for office who before the holding of such primary had not filed a certificate consenting to stand as a candidate if so nominated, the name of such candidate shall not be printed on the official ballot unless the person so nominated as a candidate shall, within ten days after the holding of such primary, file in the office of the clerk of the county within which said primary was held a certificate stating that he is qualified for the office and accepts such nomination.

Repealer.

413. SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

414. SEC. 3. This act shall take effect immediately.  
Approved March 23, 1910.

## CHAPTER 80.

A Supplement to an act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April fourth, one thousand eight hundred and ninety-eight," which further supplement was approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Time for  
filing petition.

415. SEC. 1. All petitions providing for the nomination of candidates for public office in a single borough,

ward or township, and all petitions endorsing the person or persons therein named for the position of delegate or delegates to the ensuing State, or congressional convention (as the case may be), shall be filed with the municipal clerk, not less than fifteen days prior to said primary election.

416. SEC. 2. All acts and parts of acts which in any way conflict with the provisions of this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 1, 1910.

## CHAPTER 87.

A Supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

417. SEC. 1. All lawful expenses heretofore incurred within the body of the county, in special elections held throughout the State or throughout the body of any county thereof, shall be paid by the board of chosen freeholders of such county, unless otherwise provided by law. Payment of expenses of special election.

418. SEC. 2. If no item of appropriation was inserted in any county tax budget for the payment of such expenses, or if the item was exceeded, and such board of freeholders has no funds available for the payment of the same, then it shall be lawful for such board to place the amount of such election expenses in the tax levy; and such board may borrow, on temporary loan bonds, sufficient moneys to pay such election expenses, said bonds to be payable within one year from their date, to bear interest at not exceeding five per centum per Provision for funds.

May issue bonds.

annum, payable semi-annually, and shall be executed in the manner that bonds of such county are usually executed, and shall be sold at either public or private sale for not less than par, and the said board shall place in the tax levy next after the issuance of such bonds an item of appropriation sufficient to pay the principal and interest thereof as the same mature.

419. SEC. 3. This act shall take effect immediately.

Approved April 4, 1910.

## CHAPTER 255.

A Further Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Filling  
vacancies  
occurring  
between last  
day for  
petition and  
general  
election.

420. SEC. 1. In the event of a vacancy occurring by death, removal, resignation or otherwise, in any office, the candidates for which are required by law to be nominated by petition and voted upon at a primary election, which vacancy shall occur prior to the general election but subsequent to the day fixed by law as the last day for filing the appropriate petition, the county committee, or the city or other municipal committee where the vacancy affects only such city or other municipality, of each political party, is hereby authorized to select a candidate for the office in question and file a statement of such selection with the clerk of such municipality as the candidate, if elected, would serve or represent, and the person so selected shall be the candidate of the party at the ensuing general election; and the said selection shall be made by such committee within five days after the vacancy shall occur; *provided, however,* that such statement shall be filed not later

Proviso.



than fifteen days prior to such general election; *and provided further*, that notice of the selection as aforesaid shall be given by the municipal clerk to the county clerk. Proviso.

421. SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Repealer.

422. SEC. 3. This act shall take effect immediately.

Approved April 11, 1910.

## CHAPTER 284.

A Supplement to an act entitled "An act to provide for the purchase of voting machine, and to regulate the use of the same at elections," approved April twenty-eighth, one thousand nine hundred and five (Laws 1905, page 386).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

423. SEC. 1. Whenever in any election held in any election district in this State, the voters of such election district shall have heretofore voted or shall hereafter vote "against the voting machine" in accordance with the provisions of Chapter 163 of the laws of the State of New Jersey, session of one thousand nine hundred and eight, the clerk of the municipality in which such election district is situate shall immediately forward the voting machine theretofore used in such election district, by freight, to the Secretary of State of the State of New Jersey at the Capitol, Trenton, New Jersey, and the Secretary of State shall not be required to relocate such machines so returned to his custody in any election district notwithstanding the act to which this is a supplement. Machines rejected by voters forwarded to Secretary of State.

424. SEC. 2. This act shall go into effect immediately.  
Approved April 12, 1910. Not necessary to relocate such machines.

## New Jersey Constitution.

### ARTICLE II.

#### Right of Suffrage.

Right of  
suffrage,  
vested in  
whom.

What soldiers  
not entitled  
to vote.

Paupers, etc.,  
not entitled  
to vote.

What soldiers  
entitled  
to vote.

Powers of  
legislature  
as to vote  
of soldiers.

425. SEC. I. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people; (a) *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this state by being stationed in any garrison, barrack, or military or naval place or station within this state; and no pauper, idiot, insane person or person convicted of a crime which now excludes him from being a witness, unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; (b) *and provided further*, that in time of war no elector in the actual military service of the state, or of the United States in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide

(a) The residence required to entitle a person to vote means his fixed domicile or permanent home, and is not changed or altered by his occasional absence with or without his family. *Cadwalader v. Howell*, 3 *Harrison* 138.

(b) The above constitution provision was adopted in 1844. At that time the statute disqualifying witnesses provided "that no person who shall be convicted of blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, polygamy, robbery, conspiracy, forgery, or larceny above the value of six dollars shall in any case be admitted as a witness unless he or she be first pardoned; and no person who shall be convicted of perjury, or of subornation of perjury, although pardoned for the same, shall be admitted as a witness in any case."

the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. (a)

426. SEC. 2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.

Bribery a  
cause for  
disfran-  
chisement.

(a) The right to vote, secured by the constitution, can only become operative by legislation; and any reasonable legislative regulation for the purpose of securing an enforced secrecy of the ballot is not a deprivation of a right to vote. *Ransom v. Black*, 25 *Vroom* 446. School trustees are officers within this article of the constitution, so that, if they are made elective by the people, only *male* citizens can vote for them. *Kimball v. Hindes*, 28 *Vroom* 307. A statute cannot confine the right to vote for road commissioners to the freeholders of the district, nor extend it to females or to non-residents of the district. *Allison v. Blake*, 28 *Vroom* 6. An election held in accordance with a statute which prohibits from voting a large class of persons having a constitutional right to vote, does not confer a legal title to the office upon the person elected. *Allison v. Englewood*, 29 *Vroom* 140.





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